

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No. 01/2016

Date of Institution... 15.12.2016  
Date of decision... 07.08.2017

Bakht Zada son of Shahzada Rtd; Accounts Officer, office of the DEO(Male)  
Swat. ... (Appellant)

Versus

1. The Secretary, Government of Khyber Pakhtunkhwa Education (E&SE)  
Department, Peshawar and 2 others. ... (Respondents)

BARIESTER ADNAN KHAN,  
Advocate

... For appellant.

MR. MUHAMMAD ZUBAIR,  
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. GUL ZEB KHAN,

... CHAIRMAN  
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned  
counsel for the parties heard and record perused.

This judgment shall dispose of the instant service appeal as well as  
connected service appeals No. 02/2016 Mian Said Rahman, No. 03/2016 Mehro  
Naish and No. 04/2016 Hazrat Ahmad, as common questions of law and facts are  
involved in all the four appeals.

FACTS

2. The appellants while serving as Superintendent (BPS-16) retired in the  
year, 1999. Through the present appeals, the appellants have questioned non-grant

of selection grade as they were entitled for the same right from 1993 after the issuance of a notification by the Finance Department dated 30.10.1993. But the department did not act upon the said notification till retirement of the appellants and then in the year, 2004 the department granted selection grades to different officers in different grades including Superintendent on 29.09.2004. Many civil servants including the appellants were not included in the said notification due to retirement. Some of the aggrieved persons impugned the said order for omitting their names before this Tribunal and this Tribunal accepted the appeals on 15.08.2006. The department approached the august Supreme Court of Pakistan challenging the said judgment of this Tribunal but the august Supreme Court of Pakistan upheld the said judgment on 05.03.2010. That after this judgment the present appellants also filed departmental appeals to the department for grant of selection grades from due date which were not responded to and the appellants then filed appeals before this Tribunal in the year, 2012 which were disposed of vide order dated 27.3.2015 by remitting the case back to the department with the direction that the said appeals may be treated as departmental appeals and be decided on merit. When no response was given by the department, appellants filed execution petitions, during pendency of which the department informed the Tribunal on 27.11.2015 that the departmental appeals remitted by the Tribunal to the department were decided on 10.6.2015 but the appellants came to know about this on 27.11.2015 and thereafter they filed the present appeals before this Tribunal on 15.12.2015.

### ARGUMENTS

3. The learned counsel for the appellant argued that on merit the question has already been decided by this Tribunal and then by the august Supreme Court of Pakistan that senior persons falling within 33% quota were entitled for selection

grades right from the date of issuance of first notification issued by the Finance Department i.e. 30.10.1993. That on the basis of the judgment of the august Supreme Court of Pakistan, previous appeals of the appellants were remitted to the department for deciding the same on merit by treating the same as departmental appeals. Then the department rejected the appeals solely on the ground that 33% quota had already been allocated and that the department could not exceed 33% quota. There was no mention of the fact that the appellants were not entitled for the selection grade for any reason including seniority.

4. On the other hand learned District Attorney argued that the present appeals are time barred as the appellants should have filed appeals against the impugned order which was passed in the year, 2004, omitting their names. He also argued that no departmental appeal was filed by the present appellants till 2010 (the year in which the judgment of the august Supreme Court of Pakistan was delivered). He also argued that the appellants have failed to annex seniority list with memorandum of appeals to show that they were senior and were entitled for the selection grade.

### CONCLUSION


5. The issue of limitation cannot be discussed by this Tribunal at this stage because the earlier appeals filed by the appellants in the year, 2012 were remitted back to the department on 27.03.2015. The Tribunal treated those appeals as departmental appeals and directed the department to decide the same on merits. In view of a judgment entitled "*Muhammad Akram Vs. DCO Rahim Yar Khan and others*" reported as 2017 PLC (C.S) 692, when a Tribunal/Court directs the department to treat the appeal as departmental appeal then the issue of limitation

does not arise. Secondly selection grade is a matter of pay and no limitation runs in pay and pension matters [1995-PLC(C.S) 1026].

6. Coming to the merits of the appeals, this Tribunal is of the view that in the order dated 10.06.2015, while deciding the departmental appeals, there was no mention of the fact that the appellants were not entitled due to their seniority or they were otherwise ineligible for grant of selection grade. The only reason shown by the department is that they had already granted selection grades to other civil servants and now if they grant selection grades to the appellants then it would exceed 33% quota. It has also been mentioned in the said order that the department could not withdraw selection grades from any one. It means that juniors to the appellants had been awarded selection grades in the said order and the department was reluctant to withdraw selection grades from those juniors and modify the said order.

7. In view of the ratio settled by the august Supreme Court of Pakistan mentioned above, the appellants are entitled for selection grades under the rule of consistency and nature of decision being in rem [2016-PLC(C.S) 11]. The appeals are therefore accepted and the selection grades as prayed for are granted to the appellants from due dates not later than the dates their juniors were awarded selection grades. Parties are left to bear their own costs. File be consigned to the record room.

  
(Gul Zeb Khan)  
Member

  
(Niaz Muhammad Khan)  
Chairman  
Camp Court, Swat

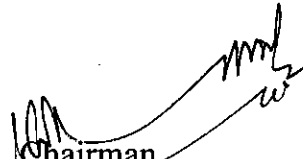
ANNOUNCED  
07.08.2017

07.08.2017

Counsel for the appellant and Mr. Muhammad Zubair,  
District Attorney for the respondents present. Arguments heard  
and record perused.

This appeal is accepted as per detailed judgment.  
Parties are left to bear their own costs. File be consigned to the  
record room.

  
Member

  
Chairman  
Camp court, Swat

ANNOUNCED  
07.08.2017

01.02.2017

Clerk counsel for appellant and Mr. Muhammad Jan, GP for respondents present. Clerk counsel requested that counsel for appellant is busy before august Peshawar High Court and adjournment may be granted. Adjournment granted. To come up for arguments on 28.02.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

28.02.2017


Appellant in person and Addl: AG for respondents present. Appellant submitted an application for fixing the instant appeal at camp court Swat. Application allowed. To come up for arguments on 03.04.2017 at camp court Swat.


  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

03.04.2017

Appellant in person present. Mr. Muhammad Zubair, Senior Government Pleader for respondents also present. Appellant submitted Wakalatnama of Barrister ~~Dost~~ Adnan Khan. The same is placed on record. Appellant also requested for adjournment. Adjourned. To come up for arguments on 07.08.2017 before D.B at Camp Court Swat.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
Camp Court Swat.

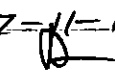
25.4.2016

Counsel for the appellant and Mr.Hameed ur Rehman, A.D litigation alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.8.2016.

  
Chairman

11.08.2016

Agent to counsel for the appellant and Additional AG for respondents present. Rejoinder submitted, copy whereof handed over to learned Additional AG. To come up for arguments on 7-11-16 before D.B.

  
Member

  
Member

07.11.2016

Counsel for the appellant and Assistant AG for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 1-2-17

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

  
(PIR BAKHSI SHAH)  
MEMBER

07.01.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Account Officer and stood retired from service in the year 1999 and that during his service he was entitled to selection grade (BPS-17) on the strength of 33% quota which was granted to other employees in the year 2004 on the basis of notification dated 30.10.1993 which notification was challenged by other employees serving at the relevant time and which was finally decided by this Tribunal as well as august Supreme Court of Pakistan with the directions that ante-date promotion with effect from 30.10.119 be given to the employees. That the appellant was also entitled to the benefits of the said judgment and his service which were not granted to him compelling him to file departmental appeal followed by service appeal which was decided by this Tribunal directing the respondents to decide the departmental appeal of the appellant as soon as possible which was rejected on 10.6.2015 and communicated to the appellant during execution proceedings on 27.11.2015 and hence the instant service appeal on 15.12.2015.

That the appellant is entitled to BPS-17 with effect from 30.10.1993 and entitled to monetary/pensionary benefits.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 22.3.2016 before S.B.

  
Chairman

22.03.2016

Counsel for the appellant and Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 25.4.2016 before S.B.

  
Chairman



Appellant Deposited  
Security & Process Fee



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. \_\_\_\_\_ of /2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01.01.2016	<p style="text-align: center;">The appeal of Mr. Bakhat Zada resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	04-1-16	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>07-1-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Bakhat Zada son of Shahzada Retired Accounts Officer Office of the DEO (M)Swat received to-day i.e. on 15.12.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

1. Annexures- A, C and F of the appeal are illegible which may be replaced by legible/better one.

No. 1938 /S.T,

Dt. 15/12 /2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Asif Yousafzai Adv. Pesh.

Sir,  
Re-submitted after compliance.  
Rai adv.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

Appeal No. 01 /2015

Mr. Bakhat Zada

V/S

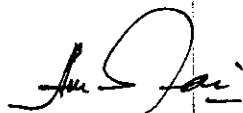
Education Department, KPK

**INDEX**

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of Seniority List	- A -	05-07
3.	Copy of Finance Department Circular dated 23.10.1993	- B -	08
4.	Copy of Selection Grade Order dated 29.9.2004	- C -	09-13
5.	Copy of Service Tribunal's Judgment	- D -	14-21
6.	Copy of Supreme Court's Judgment	- E -	22-26
7.	Copy Corrigendum dated 26.04.2010.	- F -	27
8.	Copy of Tribunal's Judgment dated 27.3.2015.	-G-	28-30
9.	Copy of Order dated 10.06.2015	-H-	31
10.	Copy of Order-sheet dated 27.11.2015.	-I-	32-33
11.	Vakalat Nama	-----	34

APPELLANT

THROUGH:

  
(M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

①

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 01 /2016

**K.W.F. Province  
Service Tribunal**  
Diary No. 1454  
Dated 15-12-2015

Bakhat Zada, S/O Shahzada Rtd; Accounts Officer,  
Office of the DEO (M), Swat.

**APPELLANT**

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa, Education (E&SE) Department, Civil Secretariat, Peshawar.
2. The Director of Education (E&SE), Khyber Pakhtunkhwa, Peshawar.
3. The Secretary, Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 10.06.2015 COMMUNICATED ON 27.11.2015 IN THE TRIBUNAL WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT REGARDING AWARDDING SELECTION GRADE (BPS-17) W.E.FROM 30.10.1993 HAS BEEN TURNED DOWN FOR NO GOOD GROUNDS.

.....

**PRAYER:**

.....

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 10.06.2015 COMMUNICATED TO THE APPELLANT ON 27.11.2015 IN THE TRIBUNAL MAY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO AWARD SELECTION GRADE (BPS-17) TO THE APPELLANT FROM HIS DUE DATE WITH ALL CONSEQUENTIAL AND PENSION BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

.....

**Filed to-day**  
*[Signature]*  
**Registrar**  
15/12/15

re-submitted to-day  
and filed;  
*[Signature]*  
**Registrar**  
17/12/15

2

**RESPECTFULLY SHEWETH:**

1. That the appellant joined the Education Department in the year 1970 and during the course of service he was promoted to the post of superintendent BPS-16 in the year 1991 and retired from service on 02.05.1999. The appellant was at S.No.84 of the seniority list corrected up to 1993. All the dates are recorded in the seniority list which is attached as Annexure-A.
2. That the Finance Department issued a Circular on 30.10.1993 wherein all the Superintendents, Budget & Accounts Officers etc were granted Selection Grade BPS-17. Copy of the Circular is attached as Annexure-B.
3. That the Education Department delayed the matter till 2004 and in 2004 Selection Grade BPS-17 was granted to many officials from 01.07.1999 vide Notification dated 29.9.2004. Copy of the Order is attached as Annexure-C.
4. That at that time some of the officials filed Service Appeal in this august Tribunal for award of Selection Grade w.e.from 30.10.1993, the said appeal was finally decided on 15.8.2006 by this august Tribunal in favour of those appellants. The Department then filed CPLA in the Supreme Court of Pakistan which was heard on 05.03.2010. The august Supreme Court held in Para-6 and 7 that the Government cannot be allowed to sleep over the rights of Government Servants for indefinite period and while dismissing the CPLA, filed by the Government directed the concerned Department to implement the Judgment of the Tribunal within 4 weeks and the compliance report should be sent to the Registrar of the Supreme Court of Pakistan. Copies of the Judgments are attached as Annexure-D and E.
5. That after the Judgment of the Supreme Court of Pakistan, the Education Department had simply issued Corrigendum in which the Selection Grade BPS-17 was given with effect from 30.10.1993. Copy of Corrigendum is attached as Annexure-F.

6. That since many junior and retired employees have been given the benefits of Selection Grade while the same appellant has been deprived from the said benefits of Selection Grade and the respondent department refused, therefore, the appellant filed Service Appeal No.835/2012 in this august Tribunal which was decided on 27.3.2015 and the august Tribunal after details deliberated remitted the case to the respondent department with the direction to treat these as departmental appeal of the appellant and decided the same as soon as possible on merit and strictly on merits and strictly in accordance with law and rules. Copy of Judgment is attached as Annexure-G.
7. That as the respondents were not obeying the directions of the august Tribunal, therefore, the appellant filed Execution Petition in the august Tribunal and in response of that the respondents have passed an order dated 10.06.2015 communicated in the Tribunal on 27.11.2015 to the appellant. Copies of Order and Order-sheet dated 27.11.2015 are attached as Annexure-H and I.
8. That now the appellant comes to this august Tribunal on the following grounds amongst the others:

**GROUND:**

- A) That the order dated 10.6.2015 and not granting Selection Grade benefits despite having rights, eligibility and seniority in 1993 is against the law, fact, norms of justice and material on record, therefore, not tenable in the eyes of law.
- B) That the appellant was eligible for the grant of selection grade BPS-17 from 1993 because at that time the appellant was in service but due to delay on the part of respondents, the appellant was kept deprived from the benefits of selection grade. Thus the appellant has been punished for the fault of others.
- C) That the appellant has been discriminated because the said benefits have been given to retired officials

(4)

as well as to junior officials but not given to the appellant for the reasons best known to the respondents.

- D) That the appellant has not been treated according to law and rules and denial of selection grade to appellant by the respondents is an arbitrary and discriminatory act which is not permissible in the law.
- E) That the appellant was fully entitled to his claim and his appeal is based on real grounds and facts.
- F) That the respondents have not decided the issue as deliberated by this august Tribunal in its Judgment dated 27.3.2015 nor they have not taken any exercise as directed in the Judgment dated 27.3.2015 of this august Tribunal.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT  
Bakhat Zada

*Bakhat Zada*

THROUGH:

*M. Asif Yousafzai*  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

BETTER COPY

Annexure-A (Page-5, 6 & &)

**FINAL SENIORITY LIST OF MINISTERIAL STAFF OF EDUCATION DEPARTMENT (SUPERINTENDENT  
(BPS-16) CORRECTED UPTO 31.12.1994.**

S.No.	Name & Father's Name	Date of Birth Domicile	Date of 1 <sup>st</sup> Apptt; in Education Department.	D/O Promotion in the present Grade	D/O Confirmation in present Grade
1	2	3	4	5	6
1.	Mr. Altaf Elahi Siddique S/O Karam Elahi Siddique B & A.O	1.12.1934/Peshawar	1.10.1949	1.1.1979	1.6.1985
2...27.	Mr. Mero Naish S/O Mir Baz, AD Audit.			4.7.1987	
28..31.					
32.	Mian Said Rehman S/O Hazrat Adam ASDEO(A)	3.1.1945/Swat	19.04.1969	4.8.1987	
33...83					
84.	Bakhtzada S/O Shahzada ADEC(A)	2.5.1946/Swat	1.7.1970	5.6.1991	
85..112					
113.	Amanullah Zahid S/O Rehmat Gul, ADEO (A)	9.1.1943/Charsadda	1.10.1964	1.6.1992	

Sd/ Deputy Director Secondary/  
Director Secondary Education, NWFP, Peshawar.

Office of the Director Secondary Education, NWFP, Peshawar.  
Endst. No.7716-7966.A-23/S/List; ADEO (A) Dated Peshawar, the 30.12.1993.  
Copy forwarded for information and necessary action to the:

1. Director of Education (Colleges), NWFP, Peshawar.
2. Director of Education (FATA), NWFP, Peshawar.
3. Director Bureau of Curr: Development & Education Extension Services, NWFP, A/Abad.
4. Director of Education (Primary), NWFP Peshawar.
5. Additional Directress Local Directorate.
6. All the Divisional Directors of Education (Schools) in NWFP.
7. All District Education Officers (M&F), Secy: in NWFP.
8. All the District Education Officer (M&F) Prim: in NWFP.
9. Registrar Departmental Examination Selection Department, Peshawar.
10. All the Sub Divisional Education Officer (M&F) in NWFP.
11. Officers concerned.
12. PA to Director Secondary Education, NWFP, Peshawar.

Sd/ Deputy Director Secondary/  
Director Secondary Education, NWFP, Peshawar.

ATTESTED



18

31/12/1993

A

5

MINISTRY OF FINANCE (A) / OFFICE OF THE COMPTROLLER & ASSET ACCOUNTS  
 (A) / OFFICE OF THE COMPTROLLER & ASSET ACCOUNTS  
 (3-15) / OFFICE OF THE COMPTROLLER & ASSET ACCOUNTS

S.No.	Name & Father's Name.	Date of Birth.	Domicile.	Date of Ist Apptt. in Edu. Department.	Date of promotion in the present Grade.	Date of confirmation in the P/Grade.
1.	2.	3.	4.	5.	6.	7.
1	Mr. Altaf Ellahi Siddique S/O Kalam Ellahi Siddique B & A.O.	1/12/1934/Pesh.	✓	1/10/1949.	1/1/1979.	1/6/1985.
2	Mr. Saadullah Khan S/O Abdul Ghafoor A.S.D.E.O.(A) at SDEC(F) Pesh.	12/12/1936/Pesh.	①	1/5/1954	24/12/1981	1/6/1985.
3	Mr. Mohammad Saeed Shah S/O Mohammad Sharif ADEO(A)	15/7/1935/Bannu	②	9/6/1954	31/5/1982	1/6/1985.
4	Mr. Anwar Khan S/O Azizul Haq ASDEC(A)	2/7/1934/Hardan	✓	7/11/1954	1/12/1982	1/6/1985.
5	Mr. Lal Badin S/O Gul Badin ADEO(A)	11/12/37/Pesh.	③	4/9/1955	11/2/1964	1/6/1985.
6	Mr. Hossain Yusof S/O Abdullah Khan A.D.(Audit).	20/11/37/A/Abad	✓	1/10/1955	2/12/1984	1/6/1987.
7	Mr. Malik Mohamud Mazaz S/O Ghulam Qader Khan ADEO(A)	1/2/1936/DIK	④	1/10/1955	15/12/84.	1/6/1987
XX						
XX						
XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXX						
8	Mr. Sabir Rehman S/O Hoon Rehman ADEO(A)	7/3/1940/Pesh.	⑤	31/8/1956	2/12/1985	1/1/1988
9	Mr. Abdul Qayyum S/O Inayatullah ADEO(A)	28/3/39/A/Abad.	⑥	21/4/1957	2/12/1985	1/1/1988
10	Mr. Mianad S/O Sikandar Khan ADEO(A)	25/2/1941/A/Abad	⑦	11/5/1957	2/12/1985	1/1/1988
11	Mr. Fida Mohammad S/O Haji Sher Haid S.A.O.	12/5/1941/Pesh.	x ⑧	15/7/1953	2/12/1985	2/12/1985
12	Mr. Abdul Malik Khattak S/O Dewana ASDEC(A)	5/10/1941/Bohat	x ⑨	11/6/1958	2/12/1985	2/12/1985
13	Mr. ... S/O ...	5/3/1935/A/...	⑩	...	2/12/1985	2/12/1985

APPROVED

A

- 14 Mr. Khalid S/O Karimullah ADEO(A)
- 15 Mr. Ali Gohar S/O Rehmanullah ADEO(A)
- 16 Mr. Fazli Karim Jan S/O Karim ADEO(A)
- 17 Mr. Abdur Rehman S/O Ghulam Raidar ADEO(A)
- 18 Mr. Momin Khan S/O Gharibullah ADEO(A)
- 19 Mr. Nazir Mohammad S/O Gul Zaman ADEO(A)
- 20 Mr. Fazal Rehman S/O Khaista Khan ADEO(A)
- 21 Mr. Inayatullah S/O Khaista Gul ASDEO(A)
- 22 Mr. Abdul Hakim S/O Abdul Baqi ADEO(A)
- 23 Mr. Mohammad Noor Khan S/O Milla Jan ADEO(A)
- 24 Mr. Abdur Rashid S/O Kala Khan ADEO(A)
- 25 Mr. S. Abdur Rashid Bukhari S/O Abdul Wali ADEO(A)
- 26 Mr. Mian Mohammad Dilbar S/O Mian Aslam ADEO(A)
- 27 Mr. Mehrozaish S/O Mir Bazir A.D. Audit;
- 28 Mr. Saif Rehman S/O Mohammad Asad ADEO(A)
- 29 Mr. Mohammad Shoaib S/O Matiullah ADEO(A)
- 30 Mr. Shah Rawan S/O Abdul Qadir ASDEO(A)
- 31 Mr. Mohammad Zarin S/O Mohammad Asim ASDEO(A)
- 32 Mr. Mian Saif Rehman S/O Hazrat Adam ASDEO(A)
- 33 Mr. Abdul Ghaffar S/O Sardos Khan ADEO(A)
- 34 Mr. Ali Gohar S/O Zulfat Shah ASDEO(A)
- 35 Mr. Bahim Bakhsh S/O Karim Bakhsh ADEO(A)
- 36 Mr. Najab Din S/O Ghoudri Barakat Ali ADEO(A)
- 37 Mr. Sher Hassan S/O Mir Hassan ASDEO(A)
- 38 Mr. Mohammad Hayat S/O Umar Hayat ADEO(A)
- 39 Mr. Gul Rehman S/O Mohammad Salim A.D. (Accounts)
- 40 Mr. Ali Gohar S/O Mohammad Saif ADEO(A)
- 41 Mr. Saif Rehman S/O Gul Zaman ASDEO(A)

10/3/1	20/12/1962	21/10/1985
7/5/19	8/5/1971	2/12/1985
9/5/1936/Swat	1/8/1966	8/12/1985
8/5/1940/A/Abad	5/2/1959	19/1/1986
24/5/1939/Pesh:	27/10/1959	2/12/1986
21/7/1937/A/Abad	29/10/1959	1/2/1987
11/6/1945/Swat	1/5/1969	2/12/1987
20/5/1939/Pesh:	1/1/1959	4/8/1987
31/12/1937/Dir	5/12/1964	2/12/1987
1/1/1942/Bannu	1/12/1959	4/8/1987
1/6/1940/Mansehra	30/1/1960	4/8/1987
10/2/1941/Pesh:	1/3/1960	4/8/1987
1/3/1941/Swat	1/6/1960	4/8/1987
18/12/45/Swat		4/8/1987
8/2/1940/Swat	1/9/1967	4/8/1987
21/12/1941/Swat	1/1/1968	4/8/1987
1/3/1940/Swat	1/1/1968	4/8/1987
3/1/1945/Swat	1/9/1968	4/8/1987
14/1/1947/Swat	19/4/1969	4/8/1987
15/9/1940/Mardan	1/7/1970	4/8/1987
6/2/1937/DIK	10/3/1960	4/8/1987/2/12/1987
14/2/42/Sargodha	25/10/1960	4/8/1987
12/1/1940/Kohat	1/12/1960	4/8/1987/2/12/1987
2/5/1937/Sargodha	26/1/1961	4/8/1987
15/6/1941/Peshawar	1/8/1961	4/8/1987
1/10/1937/Mardan	5/8/1961	4/8/1987
26/2/1943/Bannu	1/12/1961	4/8/1987
	6/1/1962	4/8/1987

(X)

6

(scribble)

- 42 Mr. Noor Mohamud S/O Ghulam Mohamud ADEO(A)
- 43 Mr. Haji Abdul Wahab S/O Sa'id Gul ADEO(A)
- 44 Mr. Mohammed Saeed S/O Haji Sarwar Jai ADEO(A)
- 45 Mr. Ghulam Rasool S/O Mohammed Amir Khan ADEO(A)
- 46 Mr. Mohammed Asif Wahab S/O Abdul Wahab ADEO(A)
- 47 Mr. Khair Afzal S/O Shah Afzal ADEO(A)
- 48 Mr. Haji Asghar Wali Sani S/O Raja Shah Wali ADEO(A)
- 49 Mr. Mohammed Yaqub S/O Meer Hussain ADEO(A)
- 50 Mr. Noor Mohammad S/O Abdur Rehman ADEO(A)
- 51 Mr. Meraj Ahmad S/O Faisal Mahmood

5/5/1938/Pesh:	27/2/1962	4/8/1987
1/5/1939/Mardan	11/6/1962	4/8/1987
1/8/1936/Jannu	21/7/1962	4/8/1987
1/9/1943/Pesh:	7/8/1962	4/8/1987
10/12/1939/Mardan	22/8/1962	4/8/1987
1/3/1944/Mardan	31/8/1962	4/8/87/2/12/1987
20/3/1938/Pesh:	8/9/1962	4/8/1987
6/12/1939/-/Abad	17/9/1962	4/8/1987
1/9/1947/D.I.K	13/11/1973	4/8/1987
4/2/1947/Pesh:	1/1/1965	18/8/87

working as Librarian at GEC (N) Pesh:

- Mr. Ali Safdar S/O Gul-i-Sadbag ADEO(A)
- Mr. Ghulam Sarwar S/O Mohammed Suliter ADEO(A)
- Mr. Ahmad Ali S/O ...
- Mr. Ghulam Nabi S/O Abdul Manan ADEO(A)
- Mr. Mohammed Umar Miya S/O Mirza Mahmud Din ADEO(A)
- Mr. Awal Hagan S/O Gul Sattar ASDEO(A)
- Mr. Ghulam Hussain S/O Ahmad Khan ASDEO(A)
- Mr. Nadir Khan S/O Nawaz Khan ASDEO(A)
- Mr. Saeedur Rehman S/O Obaidullah ADEO(A)
- Mr. Misbahul Haq S/O Noorul-Haq ADEO(A)
- Mr. Mohammed Yusuf S/O Gul Mohammed ADEO(A)
- Mr. Asad Khan S/O ... Ghulam ADEO(A)
- Mr. Mohammed Yusuf S/O ... ADEO(A)
- Mr. Ali Gul Khan S/O Amir ... ADEO(A)
- Mr. Faisal ... S/O Faisal Rehman ADEO(A)
- Mr. ... S/O ... ADEO(A)

3/2/1953/Mardan	9/1/1974	26/9/1987
6/3/1956/...	1/2/1970	11/1/1988
10/12/1936/Pesh:	18/9/1962	11/1/1988
12/12/1945/Pesh:	22/9/1962	31/1/1988
1/1/1942/DI...	25/9/1962	30/5/1989
1/1/1945/...	25/9/1962	30/5/1989
1/2/1944/Jannu	27/9/1962	30/5/1989
15/4/1937/Ephat	5/3/1961	30/5/1989
8/7/1939/Mardan	11/9/1962	30/5/1989
8/12/1938/...	25/10/1962	23/4/1990
20/8/1949/...	4/7/1979	23/4/1990
16/5/1944/...	5/7/1979	23/4/1990
5/1/1947/D.I.	13/11/79	23/4/1990
29/9/1942/...	23/11/1962	23/4/1990
20/11/1947/...	5/12/1962	23/4/1990
12/1/1947/...	3/2/1965	22/5/1990

\*

(( (E-4) ))

- 70. Mr. [Name] S/O [Name] ADEO (A)
- 71. Mr. [Name] S/O [Name] ADEO (A)
- 72. Mr. [Name] S/O [Name] ADEO (A)
- 73. Mr. [Name] S/O [Name] ADEO (A)
- 74. Mr. [Name] S/O [Name] ADEO (A)
- 75. Mr. [Name] S/O [Name] ADEO (A)
- 76. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
- 77. Mr. [Name] S/O [Name] ADEO (A)
- 78. Mr. [Name] S/O [Name] ADEO (A)
- 79. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
- 80. Mr. [Name] S/O [Name] ADEO (A)
- 81. Mr. [Name] S/O [Name] ADEO (A)
- 82. [Name] S/O [Name] ADEO (A)
- 83. Mr. [Name] S/O [Name] ADEO (A)
- 84. Mr. [Name] S/O [Name] ADEO (A)
- 85. Mr. [Name] S/O [Name] ADEO (A)
- 86. Mr. [Name] S/O [Name] ADEO (A)
- 87. Mr. [Name] S/O [Name] ADEO (A)
- 88. Mr. [Name] S/O [Name] ADEO (A)
- 89. Mr. [Name] S/O [Name] ADEO (A)
- 90. Mr. [Name] S/O [Name] ADEO (A)
- 91. Mr. [Name] S/O [Name] ADEO (A)
- 92. Mr. [Name] S/O [Name] ADEO (A)
- 93. Mr. [Name] S/O [Name] ADEO (A)
- 94. Mr. [Name] S/O [Name] ADEO (A)
- 95. Mr. [Name] S/O [Name] ADEO (A)
- 96. Mr. [Name] S/O [Name] ADEO (A)

13/10/1941	1/7/1955	22/5/1990
7/7/1948	1/6/	22/5/1990
15/3/1940	1/11/1959	5/5/1991
3/2/1952	1/9/1950	5/5/1991
12/5/1952	5/9/1950	5/5/91 Absentia Promotion.
13/9/1944/Pesh:	7/3/1963	5/5/1991
XXXXXXXXXXXX	XXXXXXX	XXXXXXXXX
17/9/1938/Mardan	14/3/1963	5/5/1991
20/5/1957/Pesh	15/3/1963	5/5/1991
XXXXX	XXXXXXXXXXXXXXXXXXXX	
10/8/1949/DIK	1/5/1963	5/5/1991
1/5/1945/Swat	1/7/1970	5/5/1991
25/12/48/Chitral	2/2/1955	5/5/1991
2/5/1946/Swat	7/1/1955	5/5/1991
3/1/1944/Mardan	1/7/1970	5/5/1991
5/12/1945/Swabi	4/7/1963	5/5/1991
8/10/1944/D.I.K	3/7/1963	5/5/1991
1/1/1938/Pesh:	3/7/1963	5/5/1991
9/2/1941/Chitral	1/8/1963	5/5/1991
12/12/1943/Dannu	29/11/1969	5/5/1991
4/4/1943/Swabi	1/8/1963	5/5/1991
12/4/1943/Pesh:	7/8/1963	5/5/1991
1/6/1942/DIK	3/9/1963	5/5/1991
5/6/1945/L/Abad	12/8/1963	5/5/1991
1/5/1952/Pesh:	22/8/1963	5/5/1991
14/4/1945/Pesh:	1/1/1975	5/5/1991
	10/1964	5/5/1991

(7) (4) (3)

Mr. Mohammad Naseem S/O Mohammad Fareed ADEO(A)  
 Mr. Mohammad Zahir Shah S/O Mohammad Zahid ADEO(A)  
 Mr. Karim Bakhsh S/O Khuda Bakhsh ADEO(A)  
 Mr. Sajjad Ahmad S/O Miran Mohammad ADEO(A)  
 Mr. Subedar Khan S/O Mohyud Din ADEO(A)  
 Mr. Mohammad Saeed S/O Abiul Qayyum Admn Officer (C)  
 Mr. Ghulam Nabi S/O Illat in ASDEO(A)  
 Mr. Gul-i-Sadbars S/O Sa Akbar ADEO(A)  
 Mr. Mohammad Tariq S/O Haji Mohammad Ramzan ADEO(A)  
 Mr. Imam Bakhsh S/O Mohammad Bakhsh ASDEO(A)  
 Mr. Altaf Hussain Gohar S/O Malik Amir Alam Supdt:  
 Mr. Sherullah S/O Khairullah ADEO(A)  
 Mr. Jamshaid Jan S/O Mohammad Nazir ADEO(A)  
 Mr. Mender Khan S/O Shree K...  
 Mr. Mohammed Sadiq S/O Mahmood Supdt: ADEO(A)  
 Mr. Zabashullah S/O Molvi Abdullah A.D. (B&A)  
 Mr. Amanullah Zahid S/O Fahmat Gul ADEO(A)

15/2/42/Manshra	2/9/1963	5/5/1991
4/4/46/Pesh:	1/10/1963	5/5/1991
8/4/45/D.I.K	6/10/1963	5/5/1991
1/10/45/Pesh:	6/12/1976	5/5/1991
22/10/1944/Pesh:	23/10/1963	10/6/1991.
5/4/1941/Mardan	28/11/1963	10/6/1991.
15/5/1940/Manshra	1/12/1963	10/ 1991.
2/9/1944/Mardan	24/8/1963	1/6/1992.
1/11/1942/D.I.K	1/9/1962	1/6/1992.
16/11/42/D.I.K	1/9/1963	1/6/1992.
30/3/1944/n/abad	31/ 1963	1/ /1992.
13/11/55/Mardan	17/5/1962	1/5/1992.
12/2/1944/Charsadda	1/12/1963	1/5/1992.
17/7/47/Pesh.	1/11/1963	1/5/1992.
13/7/47/Pesh:	1/4/1975	1/5/1992.
3/12/1953/Pesh:	28/4/1973	1/5/1992.
9/1/1943/Charsadda	1/10/1963	1/5/1992.

*[Signature]*  
 Deputy Director Secondary  
 For/Director Secondary Education  
 N.F.F. Peshawar.

31

13

F-6-

OFFICE OF THE DIRECTOR SECONDARY EDUCATION N.W.F.F. PESHAWAR.

Enst: No. 7716-7966/A-23/S/List DEO(A)/ASOEC(A)/Admn: Officer Dated Pesh: the 30/12 /1993

Copy forwarded for information and necessary action to the:-

1. Director of Education (Colleges) N.W.F.F. Peshawar.
2. Director of Education (FATA) N.W.F.F. Peshawar.
3. Director Bureau of Curr: Development and Education Extension Services N.W.F.F.A/Abad.
4. Director of Education (Primary) N.W.F.F. Peshawar.
5. Additional Directress Local Directorate.
6. All the Divisional Director's of Education (Schools) in N.W.F.F.
7. All Distt: Education Officer (M&F) Secy: in N.W.F.F.
8. All the Distt: Education Officer (M&F) P.W: in N.W.F.F.
9. Registrar Departmental examination Education Department Peshawar.
10. All the Sub: Divisional Education Officer (M&F) in N.W.F.F.
11. Officers concerned.
12. P.A. to Director Secondary Education N.W.F.F. Peshawar.

62  
16  
46

*Asstt: Director (F)*  
*Elementary & Secondary Edu: o*  
*Enst*

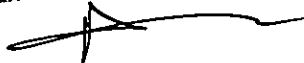
*Deputy Director Secondary*  
*Director Secondary Educ: tzn*  
*N.W.F.F. Peshawar.*

(( (MCH: M: S IQLAL I: H: N) ))  
ASST:

**BETTER COPY****Annexure-C (Page-9 TO 13)****OFFICE OF THE DIRECTOR, SCHOOLS & LITERACY NWFP PESHAWAR****OFFICE ORDER**

Consequent upon the approval of the Departmental Promotion Committee (DPC) meeting held on 25.8.2004, and under provision of Finance Department Notification No. FDAO/1/91; dated 30.10.1993 and Schools & Literacy Department Circular NO.604-754; dated 7.5.200\_\_ following ADEO A)/ASDEO(A)/Admn; Officer/B&AO/Supdt; (B-16) of Schools & Department are hereby placed in (B-17) Selection Grade at @ 33% of the total sanctioned post vide No.(A)/ASDEO(A)Admn: Officer/B&AO/Supdt; from the date mentioned against each below:

S.NO.	Name Of Officer	Present Office	Date of Selection Grade already awarded	Due date of Selection Grade	Selection Grade (B-17) awarded w.e.from.
1.	Mr. Miadad Khan S/O Sardar AO Rtd on 24.2.2001)	EDO (S&L) Haripur	19.7.1999	19.7.1999	19.7.1999
2.	Mr. Fida Muhammad S/O Sher Muhammad AO (Rtd on 1.7.2009)	DE(C) NWFP	19.7.1999	19.7.1999	19.7.1999
3.	Mr. Abdul Malik S/O Darveza AO (Rtd in 2001)	EDO (S&L) Dir (L)	19.7.1999	19.7.1999	19.7.1999
4.	Mr. Rahim Shah S/O Karim Ullah, AO	DS&L NWFP	19.7.1999	19.7.1999	19.7.1999
5.	Mr. Ali Asghar S/O Rehmat Shah, AO	EDO (S&L) A/Abad	19.7.1999	19.7.1999	19.7.1999
6.	Mr. Noor Rehman S/O Ghulam Haider AO (Rtd on 7.5.2000)	EDO (S&L) A/Abad	19.7.1999	19.7.1999	19.7.1999
7.	Fazle Rehman S/O Khista Khan AO	EDO (S&L) Chitral.	19.7.1999	19.7.1999	19.7.1999
8.	Mr. Muhammad Nadir S/O Mir Jan AO	EDO (S&L) Bannu	19.7.1999	19.7.1999	19.7.1999
9.	Mr. Abdur Rashid S/O Abdul Was, AO (Rtd on 9.2.2001)	DDO (F), Peshawar	19.7.1999	19.7.1999	19.7.1999
10.	Mian Muhammad Dilbar S/O Mian Basher, AO (Rtd on 29.2.2001)	EDO (S&L) Swat	19.7.1999	19.7.1999	19.7.1999
11.	Mr. Said Rehman S/O Muhammad Afzal AO	EDO (S&L) Swat	19.7.1999	19.7.1999	19.7.1999
12.	Mr. Muhammad Shoaib S/O Matiullah AO (Rtd on 7.2.2000)	EDO (S&L) Buner	19.7.1999	19.7.1999	19.7.1999
13.58	.....		19.7.1999	19.7.1999	19.7.1999
59.	Mr. Aman Ullah Zahid S/O Rahmat Gul, AO	EDO (S&L) Charsadda	19.7.1999	19.7.1999	19.7.1999

**ATTESTED**


<b>SUPERINTENDENTS</b>					
60.	Mr. Jalat Khan, S/O Faqir Muhammad Supdt.	DS&L NWFP		19.7.1999	19.7.1999
61.	Mr. Inam Muhammad S/O Gul Muhammad, Supdt (Rtd. on 5.10.2001)	DE (FATA) NWFP		19.7.1999	19.7.1999
62.	Mr. Ajab Din S/O Mahibuddin, Supdt. (Rtd. on 31.12.2000)	EDO (S&L) Kohat		19.7.1999	19.7.1999
63.	Mr. Afsar Khan S/O Mehruban Shah, Supdt.	EDO (S&L) Mardan		19.7.1999	19.7.1999
64.	Muhammad Afzal S/O Gulab Noor Supdt.	EDO (S&L) Peshawar.		19.7.1999	19.7.1999
65.	Mr. Wazir Muhammad S/O Ghulam Muhammad Supdt.	DE (C) NWFP.		19.7.1999	19.7.1999
66.	Mr. Fasal Imran S/O Manga Masih, Supdt.	DE (FATA) NWFP		19.7.1999	19.7.1999
67.	Mr. Sardar Hussain S/O Sher Dil Supdt.	DE (FATA) NWFP		19.7.1999	19.7.1999
68.	Mr. Saifur Rehman S/O Abdur Rehman, Supdt (Rtd on 1.4.2001)	EDO (S&L) Kohat.		19.7.1999	19.7.1999
69.	Mr. Fazle Raziq S/O Muhammad Alam, Supdt. (Rtd on 13.10.1999)	EDO (S&L) Kohat		19.7.1999	19.7.1999
70.	Mr. Allah Nawaz A/O All Dad Khan Supdt/ADO (A)	EDO (S&L) DI Khan		19.7.1999	19.7.1999
71.	Mr. Manzoor Ahmad S/O Ghulam Sarwar, Supdt.	DE (FATA) NWFP		19.7.1999	19.7.1999
72.	Mr. Fazal Rehman S/O Pir Ghulam, Supdt.	EDO (S&L) Nowshera.		19.7.1999	19.7.1999
73..100	.....				
101.	Mr. Jehanzeb S/O Manjawar Khan Supdt /AO	EDO (S&L) Malakand		19.7.1999	19.7.1999
102.	Mr. Nadir Khan S/O Faqir Shah, Supdt/AO	EDO (F) Tangi Charsadda	5.4.2001	5.4.2001	5.4.2001
103.	Mr. Hakeem Muhammad S/O Saeedur Rehman, Supdt. /AO	EDO (S&L) Chitral.	15.6.2001	15.6.2001	15.6.2001
104.	Muhammad Daood S/O Fazle Ilahi Supdt.	EDO (S&L) A/Abad.	8.7.2001	8.7.2001	8.7.2001
105.	Mr. Jamal Ahmad S/O Muhammad Saeed, Supdt.	EDO (S&L) Swabi.	5.10.2001	5.10.2001	5.10.2001
106.	Mr. Jamsher Khan S/O Dilbar Khan, Supdt.	EDO (S&L) Swabi.	6.10.2001	6.10.2001	6.10.2001
107.	Muhammad Ilyas S/O Fazle Din Supdt.	EDO (S&L) Kohat	12.11.2001	12.11.2001	12.11.2001

**ATTESTED**



Note:

1. Necessary entry to this effect should be made in the service record of the officers who have not been awarded Selection Grade B-17 previously.
2. Revised entry to this effect should also be made in the service record of the officers who have already been awarded Selection Grade B-17 with reference to this office Notification issued under Endst. No.604-754/A-23/MS/S-G/ADEO (A); dated 7.5.2002.
3. An Undertaking to the effect that if any overpayment is made to them as a result of the incorrect awarded of Selection Grade and detected letter on it will good by recovery from their Pay / Pension / Gratuity etc may be obtained from the officers who have been awarded Selection Grade B-17 previously and kept in their service record.
4. Selection grade in respect of two (2) superintendent/account officer are kept pending till completion of ACRs.
5. Certificate to the effect that the officers at S.No.1 of the note above are not involved in any disciplinary cases, should be obtained and kept in their service record before making fixation of pay.

( Fazli Manan )  
Director.

Endst. No.4420-4585/A-23/MS/S-Grade B-17/Supdt/AO/ Dated Pesh;the 29.9.2004.

Copy forwarded for information and necessary action to the:

1. Accountant General, NWFP, Peshawar.
2. Director Higher Education, NWFP, Peshawar.
3. Director of Education, NWFP (FAT) Peshawar.
4. Director of Corru; Teachers & Education, NWFP, Peshawar.
5. Director of PITE NWFP Peshawar.
6. Manager Science Education Project NWFP Peshawar.
7. Manager Girls Project-II, NWFP, Peshawar.
8. Section Officer (Litigation) Schools & Literacy Deptt, Govt of NWFP, Peshawar.
9. To 32. All Executive District Officers, Schools & Literacy in NWFP.
- 33 To 57. All District Account Officer, in NWFP.
- 58 to 165. Superintendents/Account Officers concerned.
166. PA to Director School & Literacy NWFP Local office.

Sd/-

Deputy Director (Finance & Admn:)  
Directorate Schools & Literacy NWFP Peshawar.

**ATTESTED**

From:

The Secretary to Govt: of NWFP Finance Deptt:

To

1. All Administrative Secretaries to Govt: of N. W. F. P.
2. The Senior Member Board of Revenue N. W. F. P.
3. The Secretary to Governor, N. W. F. P.
4. The Secretary to Chief Minister N. W. F. P.
5. The Secretary Provincial Assembly N. W. F. P.
6. All commr. /Dy: Commissioners /political Agent s/ Distt: & Session Judges in N.W. F. P.
7. The Registrar, Peshawar High Court, Peshawar
8. The Chairman, Public Service Commission, NWFP.
9. The Chairman Service Tribunal, N. W. F. P. Peshawar.
10. The Secretary, Board of Revenue, N.W. F. P. Peshawar.

Subject

GRANT OF SELECTION GRADE

Sir,

I am directed to refer to the subject noted above and to say that the question of grant of selection grade (BPS-17) to the 33% of the posts of Administrative officers along with superintendents in (BPS-16) had been under consideration of the Provincial Government. It has now been decided that subject to provision of paragraph-2 of this letter of the selection grade (BPS17) would be admissible to 33 % of the posts of Administrative Officer etc. (BPS-16) along with superintendents on joint seniority list

2. The Administrative department / services & General Admn ; department shall in the respective recruitment and appointment rules change the method of appointment to the post of administrative Officer, Accounts Officers and Assistant Accounts Officers etc . From by promotion, to by permanent transfer, from amongst the Supdts of the attached department (s) on seniority-cum-fitness basis..
3. The decision contained in paragraph -1 above shall be effective from the date of notifying the changed method of appointments as per paragraph -2 above.
4. It has been further decided to declare the holders of the posts of superintendents (BPS-16) on regular basis as so drawing and disbursing Officers.

Your obedient servant,

(TASEER-JAMAL-ALIZAI)  
Deputy Secretary (Reg.)

REGISTERED

Endst: No. FD (PRC) 4-1/91  
Oct. 1993.

Dated Peshawar: 30<sup>th</sup>

Copy forwarded for information to :-

1. The Secretary to government of the Punjab, Finance Department Lahore.
2. The Secretary to Govt: of Sindh, Finance Department Karachi.
3. The Secretary to Govt: of Baluchistan, Finance Department, Quetta
4. The Finance Secretary, Azad Govt: of the State of Jammu & Kashmir, Muzaffar Abad.
5. All Heads of attached Department in N.W.F.P.

TASEERJAMALALIZAI  
Deputy Secretary(Reg)

Endst. No. (FD (PRC) 4-1/91

dated Peshawar the 30<sup>th</sup> Oct -93

Copy forwarded to :-

1. The Account general, N. W. F. P. Peshawar.
2. All the District / Agency Accounts Officer N. W. F. P.
3. The Treasury Officer, Peshawar.
4. The Private Secretary to Finance Minister.
5. The P.S. to Secretary, P. As to Additional Secretaries in finance department
6. All the Heads of Autonomous/Semi-Autonomous Corporations in N. W. F. P.
7. All the Budget/Section Officers in Finance

SHAKIR ULLAH SECTION  
OFFICER FINANCE  
DEPARTMENT

C (9)

OFFICE OF THE DIRECTOR SCHOOLS & LITERACY N.W.F.P. PESHAWAR

ORDER

Consequent upon the approval of the Departmental Promotion Committee (DPC) meeting held on 25-8-2004, and under provision of Finance Department Notification NoFD/1/91 dated 30-10-1993 and Schools & Literacy Department Circular No604-754 dated 7-5-2004 following ADEO A/ASDEO(A)/Admn:Officer/B&AO/Supdt: (B-16) of Schools & Literacy Department are hereby placed in (B-17) Selection Grade at @ 33% of the total sanctioned (A)/ASDEO (A)/ Admn:Officer /B&AO/Supdt: from the dates mentioned against each below:-

S.No	Name of Officer	Present Office	Date of Selection Grade already awarded	Date of Selection Grade	Selection Grade (B-17) awarded w.e.f.
1	Mr. Mianad Khan S/O Saeed AO (Rid: on 24-2-2001)	EDO (S&L) Haripur	19-7-1999	19-7-1999	19-7-1999
2	Mr. Fida Muhammad S/O Sher Muhammad AO (Rid: on 1-7-2000)	DE(C) NWFP	19-7-1999	19-7-1999	19-7-1999
3	Mr. Abdul Malik S/O Darveza AO (Rid: on 1-7-2000)	EDO (S&L) Dir (L)	19-7-1999	19-7-1999	19-7-1999
4	Mr. Rahim Ullah S/O Karim Ullah AO	DS&L NWFP	19-7-1999	19-7-1999	19-7-1999
5	Mr. Ali Asghar S/O Rahmat Ullah AO	EDO (S&L) A/Abad	19-7-1999	19-7-1999	19-7-1999
6	Mr. Abdur Rehman S/O Ghulam Haider AO (Rid: on 7-5-2000)	EDO (S&L) A/Abad	19-7-1999	19-7-1999	19-7-1999
7	Mr. Fazle Rehman S/O Khista Khan AO ✓	EDO (S&L) Chitral	19-7-1999	19-7-1999	19-7-1999
8	Mr. Muhammad Nadir S/O Mir Jan AO	EDO (S&L) Bannu	19-7-1999	19-7-1999	19-7-1999
9	MR. Abdur Rashid S/O Abdul Was AO (Rid: on 9-2-2001)	DDO(F) Peshawar	19-7-1999	19-7-1999	19-7-1999
10	Mian Muhammad Dilbar S/O Moin Basher AO (Rid: on 29-2-2001)	EDO (S&L) Swat	19-7-1999	19-7-1999	19-7-1999
11	Mr. Saif Rehman S/O Muhammad Afzal AO ✓	EDO (S&L) Swat	19-7-1999	19-7-1999	19-7-1999
12	Muhammad Shoib S/O Matiullah AO (Rid: on 7-2-2000)	EDO (S&L) Buner	19-7-1999	19-7-1999	19-7-1999
13	Mr. Shah Rawan S/O Abdul Qadir AO ✓ (Rid: on 20-12-2001)	EDO (S&L) Swat	19-7-1999	19-7-1999	19-7-1999
14	Muhammad Zareen S/O Muhammad Raheem AO ✓ (Rid: on 28-2-2000)	EDO (S&L) Swat	19-7-1999	19-7-1999	19-7-1999
15	Mr. Abdul Ghafar S/O Firdoos Khan AO ✓	EDO (S&L) Malakand	19-7-1999	19-7-1999	19-7-1999
16	Mr. Rajab Din S/O Barkat Ali AO	EDO (S&L) Kohat	19-7-1999	19-7-1999	19-7-1999
17	Mr. Gul Rehman S/O Sulman AO (Rid: on 14-6-2001)	RD&E NWFP	19-7-1999	19-7-1999	19-7-1999
18	Mr. Hafiz-ur-Rehman S/O Abdul Kahman AO	EDO (S&L) Lakki	19-7-1999	19-7-1999	19-7-1999

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19	Mr. Ghulam Rasool S/O Amir Kahn AO	EDO (S&L) Buner	19-7-1999	19-7-1999	19-7-1999
20	Muhammad Tawab S/O Abdul Wahab AO (Rtd. on 9-12-1999)	EDO (S&L) Mardan	19-7-1999	19-7-1999	19-7-1999
21	Mr. Ali Safdar S/O Gul Saibao AO	EDO (S&L) Malakand	19-7-1999	19-7-1999	19-7-1999
22	Mr. Ghulam Sarwar S/O Muhammad Suliman AO	EDO (S&L) AAbbod	19-7-1999	19-7-1999	19-7-1999
23	Mr. Gouhar Habi S/O Abdul Hana AO	EDO (S&L) Peshawar now DE(C) NWFP	19-7-1999	19-7-1999	19-7-1999
24	Muhammad Umar Mirza S/O Nurul Iqbal/Din AO (Rtd. on 11-11-2001)	EDO (S&L) D.I.Khan	19-7-1999	19-7-1999	19-7-1999
25	Mr. Asif Iqbal S/O Gul Saibao AO	EDO (S&L) Karak	19-7-1999	19-7-1999	19-7-1999
26	Muhammad Younis S/O Gul Saibao AO	EDO (S&L) Dir Lower	19-7-1999	19-7-1999	19-7-1999
27	Mr. Khalid Khan S/O Faqir Ghulam AO	EDO (S&L) Bannu	19-7-1999	19-7-1999	19-7-1999
28	Muhammad Yousaf S/O Muhammad Ramzan AO	EDO (S&L) Tank	19-7-1999	19-7-1999	19-7-1999
29	Mr. Fazal Ahmad S/O Fazle Rehman AO	Girls Projill (Rtd. on 19-1-2001)	19-7-1999	19-7-1999	19-7-1999
30	Mr. Fazal Rahman S/O Mubarak and Haidar	EDO (S&L) Haripur	19-7-1999	19-7-1999	19-7-1999
31	Mr. Asif Ghulam Ahmad S/O Israr Muhammad AO (Rtd. on 11-11-2001)	EDO (S&L) Peshawar	19-7-1999	19-7-1999	19-7-1999
32	Muhammad Ali S/O Musafir Jan AO	EDO (S&L) Swat	19-7-1999	19-7-1999	19-7-1999
33	Muhammad Ayaz S/O Muhammad Farid AO	EDO (S&L) Charsadda	19-7-1999	19-7-1999	19-7-1999
34	Mubarak Ahmad S/O Nazar Muhammad AO	SO P&D Civil Sectt.	19-7-1999	19-7-1999	19-7-1999
35	Muhammad Khan S/O Faqir Muhammad AO	Audit Officer DS&L	19-7-1999	19-7-1999	19-7-1999
36	Mr. Fazil Maman S/O Fazil Hana AO	EDO (S&L) Swat	19-7-1999	19-7-1999	19-7-1999
37	Mr. Ishtakullah S/O Hidayatullah AO	EDO (S&L) Chitral	19-7-1999	19-7-1999	19-7-1999
38	Mr. Sardar Muhammad S/O Hussain Muhammad AO	EDO (S&L) Dirakand	19-7-1999	19-7-1999	19-7-1999
39	Mr. Ghulam Muhammad S/O Saib Ghulam AO	EDO (S&L) Swat	19-7-1999	19-7-1999	19-7-1999
40	Mr. Ghulam Hussain S/O Muhammad Farid AO (Rtd. on 8-2-2001)	EDO (S&L) Chitral	19-7-1999	19-7-1999	19-7-1999
41	Mr. Ghulam Jaffer S/O Ghazali Khan AO	EDO (S&L) Lakki	19-7-1999	19-7-1999	19-7-1999
42	Mr. Asif Qadus S/O Abdul Adnan AO	EDO (F) Peshawar	19-7-1999	19-7-1999	19-7-1999
43	Mr. Ghulam Farid S/O Ghulam Farid AO	EDO (S&L) F.I.Khan	19-7-1999	19-7-1999	19-7-1999
44	Mr. Ghulam Ghulam S/O Khan Zaidan AO	ED (S&L) NWFP AAbbod	19-7-1999	19-7-1999	19-7-1999

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45	Mr. Nazir Hussain S/O Mohiuddin AO	EDO (S&L) Nowshera	19-7-1999	19-7-1999	19-7-1999
46	Mr. Zahid Khan S/O Ibraheem Khan AO	DE (C) NWFP	19-7-1999	19-7-1999	19-7-1999
47	Muhammed Neseem S/O Muhammed Farid AO (Rtd: on 31-12-1999)	EDO (S&L) Hanpur	19-7-1999	19-7-1999	19-7-1999
48	Mr. Karem Baksh S/O Khuda Baksh AO	EDO (S&L) D.I.Khan	19-7-1999	19-7-1999	19-7-1999
49	Mr. Sajad Ahmad S/O Mian Muhammad AO	M.S Project NWFP	19-7-1999	19-7-1999	19-7-1999
50	Mr. Subidar Khan S/O Mahiuddin AO	EDO (S&L) Nowshera	19-7-1999	19-7-1999	19-7-1999
51	Muhammad Saeed S/O Abdul Qayum AO (Rtd: on 4-4-2001)	DE (C) NWFP	19-7-1999	19-7-1999	19-7-1999
52	Mr. Gul Sad Burg S/O Saïd Akbar AO	EDO (S&L) Mardan	19-7-1999	19-7-1999	19-7-1999
53	Muhammad Tariq S/O Muhammad Razzaq AO	EDO (S&L) D.I.Khan	19-7-1999	19-7-1999	19-7-1999
54	Mr. Imam Baksh S/O Muhammad Baksh AO	EDO (S&L) D.I.Khan	19-7-1999	19-7-1999	19-7-1999
55	Mr. Iltaf Hussain S/O Amir Alam AO	EDO (S&L) A/Abad	19-7-1999	19-7-1999	19-7-1999
56	Mr. Sher Ullah S/O Kareem Ullah AO	EDO (S&L) Mardan	19-7-1999	19-7-1999	19-7-1999
57	Mr. Jamshed Jan S/O Muhammad Nazir AO	EDO (S&L) Charsadda	19-7-1999	19-7-1999	19-7-1999
58	Mr. Zabcehullah S/O Abdul Ullah AO (Rtd: on 7-7-2001)	DS&L NWFP	19-7-1999	19-7-1999	19-7-1999
59	Mr. Aman Ullah Zahid S/O Rahmat Gul AO	EDO (S&L) Charsadda	19-7-1999	19-7-1999	19-7-1999

**SUPERINTENDENTS**

60	Mr. Jalat Khan S/O Faqir Muhammad Supdt:	DS&L NWFP		19-7-1999	19-7-1999
61	Mr. Inam Muhammad S/O Gul Muhammad Supdt: (Rtd: on 5-10-2001)	DE (FATA) NWFP		19-7-1999	19-7-1999
62	Mr. Ajab Din S/O Mahiuddin Supdt: (Rtd: on 31-12-2000)	EDO (S&L) Kohat		19-7-1999	19-7-1999
63	Mr. Afsar Khan S/O Mehruban Shah Supdt:	EDO (S&L) Mardan		19-7-1999	19-7-1999
64	Muhammad Afzal S/O Gulab Noor Supdt:	EDO (S&L) Peshawar		19-7-1999	19-7-1999
65	Mr. Wazir Muhammad S/O Ghulam Muhammad Supdt:	DE (C) NWFP		19-7-1999	19-7-1999
66	Mr. Fasal Inran S/O Manga Masih Supdt:	G. College Nowshera		19-7-1999	19-7-1999
67	Mr. Sardar Hussain S/O Sher Dil Supdt:	DE (FATA) NWFP		19-7-1999	19-7-1999
68	Mr. Salfur Rehman S/O Abdur Rehman Supdt: (Rtd: on 1-4-2001)	EDO (S&L) Kohat		19-7-1999	19-7-1999
69	Mr. Fazle Raziq S/O Muhammad Alam Supdt: (Rtd: on 13-10-1999)	DO(M) Swabi		19-7-1999	19-7-1999
70	Mr. Allah Nawaz A/O Allah Dad Khan Supdt/ADO (A)	EDO (S&L) D.I.Khan	19-7-1999	19-7-1999	19-7-1999
71	Mr. Manzoor Ahmad S/O Ghulam Sarwar Supdt:	DE (FATA) NWFP		19-7-1999	19-7-1999
72	Mr. Fazul Rehman S/O Pri Ghulam Supdt:	EDO (S&L) Nowshera	19-7-1999	19-7-1999	19-7-1999

73	Mr. Fazil Rehman S/O Dildar Khan Supdt:	EDO (S&L) Bannu	19-7-1999	19-7-1999	19-7-1999
74	Mr. Reheem Shah S/O Maroof Shah Supdt:	EDO (S&L) Malakand	19-7-1999	19-7-1999	19-7-1999
75	Mr. Abdul Salam S/O Faqir Muhammad Supdt/ADO (A)	EDO (S&L) Dir Upper		19-7-1999	19-7-1999
76	Mr. Farooq Shah S/O Abdulah Jan Supdt:	DS&L NWFP			19-7-1999
77	Muhammad Naseer Josa S/O Fazullah Supdt:	EDO (S&L) D.I.Khan	19-7-1999	19-7-1999	19-7-1999
78	Mr. Nisar Ahmad S/O Muhammad Yaqoob Supdt:	Sc.M:Proj: NWFP		19-7-1999	19-7-1999
79	Mr. Khan Zada S/O Chandan Khan Supdt: (Rtd: on 14-11-00)	EDO (S&L) Swat		19-7-1999	19-7-1999
80	Mr. Farid Gul S/O Bawar Gul Supdt. (Rtd: on 1-3-2000)	EDO (S&L) Malkand		19-7-1999	19-7-1999
81	Mr. Zahir Shah S/O Abdullah Supdt/ADO(A)	EDO (S&L) Chitral	19-7-1999	19-7-1999	19-7-1999
82	Muhammad Nawaz S/O Rab Nawaz Supdt:	EDO (S&L) D.I.Khan	19-7-1999	19-7-1999	19-7-1999
83	Mr. Gul Habib S/O Gul Nazir Supdt/ADO(A)	EDO (S&L) Nowshera		19-7-1999	19-7-1999
84	Mr. Fazle Rehman S/O Wadan Gul Supdt. (Rtd: on 31-12-01)	DE (C) NWFP		19-7-1999	19-7-1999
85	Muhammad Riaz S/O Gul Muhammad Supdt/ B&AO	DE (C) NWFP	19-7-1999	19-7-1999	19-7-1999
86	Mr. Saif-ur-Rehman S/O Muhammad Usman Supdt/ADO(A)	EDO (S&L) Malakand	19-7-1999		
87	Mr. Hidayat-ur-Rehman S/O Khaista Gul Supdt/AO	DS&L NWFP	19-7-1999	14-10-1999	14-10-1999
88	Mr. Bakht Shah Zaib S/O Muhammad Saeed Supdt/ADO(A)	EDO (S&L) Malakand	19-7-1999	10-12-1999	10-12-1999
89	Muhammad Hussain S/O Muhammad Khan Supdt/AO	Girls Proj: NWFP	19-7-1999	5-1-2000	5-1-2000
90	Mr. Sajjid Khan S/O Abdul Sadiq Supdt/A	EDO (S&L) A/Abad	19-7-1999	8-2-2000	8-2-2000
91	Mr. Umar/Nzwaz S/O Muhammad Saleem Supdt./ADO(A)	EDO (S&L) Lakki	19-7-1999	29-2-2000	29-2-2000
92	Mr. Haibib-ur-Rahim S/O Fazle Wahid Supdt./AO	EDO (S&L) Malakand	19-7-1999	2-3-2000	2-3-2000
93	Muhammad Tariq S/O Muhammad Zahid Supdt./AO	EDO (S&L) Swabi	19-7-1999	8-5-2000	8-5-2000
94	Mr. Musharraf Ali S/O Munir Ali Supdt:	DS&L NWFP	19-7-1999	2-7-2000	2-7-2000
95	Mr. Moanber S/O Gul Ahmad Supdt./ADO (A)	EDO (S&L) Swat	19-7-1999	15-11-2000	15-11-2000
96	Mr. Abdul Aziz S/O Abdullah Supdt:	G.C. Mutu Swat		1-1-2001	1-1-2001
97	Mr. Fazle Rehman S/O Aziz-ur-Rehman Supdt./AO	EDO (S&L) Manshura	19-7-1999	20-1-2001	20-1-2001
98	Mr. Tajul Akbar S/O Ali Guhr Supdt./AO	EDO (S&L) Mardan	19-7-1999	9-2-2001	9-2-2001
99	Mr. Pir Muhammad S/O Musam Khan Supdt./AO	EDO (S&L) Kohat	19-7-1999	10-2-2001	10-2-2001
100	Mr. Sher Dil Khan S/O Sher Ali Khan Supdt./AO	EDO (S&L) Mardan	19-7-1999	25-2-2001	25-2-2001
101	Mr. Jahanzeb S/O Manjwar Khan Supdt./AO	EDO (S&L) Malakand	19-7-1999	1-3-2001	1-3-2001

102	Mr. Nadir Khan S/O Faqir Shah Supdt./AO	DDO (F) Tangi Chd.	5-4-2001	5-4-2001	5-4-2001
103	Mr. Hakeem Muhammad S/O SaeedurRehman Supdt./AO	EDO (S&L) Chitral	15-6-2001	15-6-2001	15-6-2001
104	Muhammad Daood S/O Fazle Ilahi Supdt.	EDO (S&L) A/Abad	8-7-2001	8-7-2001	8-7-2001
105	Mr. Jamal Ahmad S/O Muhammad Saeed Supdt.	EDO (S&L) Swabi	5-10-2001	5-10-2001	5-10-2001
106	Mr. Jansher Khan S/O Dilbar Khan Supdt.	EDO (S&L) Swabi	6-10-2001	6-10-2001	6-10-2001
107	Muhammad Ilyas S/O Fazle Din Supdt.	EDO (S&L) Kohat	12-11-2001	12-11-2001	12-11-2001

Note:-

- 1- Necessary entry to this effect should be made in the service record of the officers who have not been awarded Selection Grade B-17 previously.
- 2- Revised entry to this effect should also be made in the service record of the officers who have already been awarded Selection Grade B-17 with reference to this office Notification issued under Endst.No.604-754/A-23/MS/S.G/ADEO(A) dated 7-5-2002
- 3- An Undertaking to the effect that if any overpayment is made to them as a result of the incorrect awarded of Selection Grade and detected latter on it will good by recovery from their Pay/Pension/Gratuity etc may be obtained from the officers who have not been awarded Selection Grade B-17 previously and kept in their service record.
- 4- Selection grade in respect of two (2) superintendent/account officer are kept pending till completion of ACRs
- 5- Certificate to the effect that the officers at S.No.1.of the note above are not involved in any disciplinary cases, should be obtained and kept in their service record before making fixation of pay.

(FAZLI MANAN)  
DIRECTOR

4420-4585

Endst.No. \_\_\_\_\_ /A-23/MS/S.Grade-B-17/Supdt./AO/  
Dated Peshawar the 29 /9/2004.

Copy forwarded for information & necessary action to the:-

- 1- Accountant General NWFP, Peshawar.
- 2- Director Higher Education NWFP, Peshawar.
- 3- Director of Education NWFP (FATA) Peshawar.
- 4- Director of Corru: Teachers & Education NWFP, Abbottabad.
- 5- Director of PITER NWFP Peshawar.
- 6- Manger Science Education Project NWFP, Peshawar.
- 7- Manger Girls Project-II NWFP Peshawar.
- 8- Section Officer Litigation Schools & Literacy Dept:Govt: NWFP Peshawar.
- 9-32 All Executive District Officers Schools & Literacy in NWFP.
- 33-57 All District Account Officer in NWFP.
- 58-165 Superintendents/Account Officers concerned.
- 166 PA to Director Schools & Literacy NWFP Local office.

Sher Rehman  
S/C

Attested  
Asst. Director (F)  
Elementary & Secondary Edu.

Jushan  
29/9/04  
Deputy Director (Finance & Admin)  
Directorate Schools & Literacy NWFP Peshawar



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BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR.

Appeal No. 724/2002

Date of institution – 27.08.2002

Date of decision - 15.08.2006

Ghulam Rasool, Ex-ASDEO (Accounts),  
Office of the E.D.O,(S&L) Buner.....(Appellant)

VERSUS

1. Director of Schools & Literacy NWFP  
Peshawar.
2. Secretary Schools & Literacy NWFP.
3. Secretary Finance NWFP Peshawar.
4. Chief Secretary NWFP Peshawar.....(Respondents)

—

M/S Anwarul Hassan & Shafiullah Advocates.....For appellants.  
Mr. Zaffar Abbas Mirza, Addl. Govt. Pleader.....For respondents.

—

MR. ABDUL KARIM QASURIA.....MEMBER.  
MR. FAIZULLAH KHAN KHATTAK.....MEMBER.

JUDGMENT.

ABDUL KARIM QASURIA. MEMBER :- This appeal has been filed by the Ghulam Rasool appellant against the orders dated 7.5.2002 and 31.7.2002 whereby he was not granted selection grade BS-17 w.e.f. 30.10.1993 with the prayer that the impugned orders

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may be set aside and he be granted selection grade BS-17 w.e.f. 30.10.1993.

2. Brief facts of the case are that the appellant was employed under respondents No. 1 and 2 and retired from service on 1.8.2001 as Assistant Sub Divisional Education Officer (Accounts) from the office of EDO (S&L) Buner. During his service the appellant was promoted from the post of Superintendent to the post of ASDEO (Accounts) in BS-16 vide order dated 4.8.1987. Vide order dated 30.10.1993 the Finance Department allowed selection grade BS-17 to the Administrative Officer/Account Officer/Assistant Accounts officer at the ratio of 33% of their total strength alongwith Superintendents and also issued a clarification vide letter dated 31.1.1994 regarding awarding selection grade BS-17 to various officers. In order to extend the said benefits to various officers in BS-16, respondent No. 2 issued a Notification dated 29.8.1994 wherein various categories of officers in BS-16 were brought at par. In spite of clear cut orders of the Government and clarification, the selection grade was only allowed to the Superintendents BS-16 w.e.f. 30.10.1993 while other categories of officers BS-16 who were at par with the Superintendents were left. Respondent No. 2 issued a Notification dated 6.2.1997 bringing

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various categories of officers at par with one another by amending the Service Rules. Respondent No. 2 issued the impugned order dated 7.5.2002 under which the AEDO (A), Budget Officer, Audit Officer, Account Officer BS-16 of Education Department were granted selection grade BS-17 but the appellant was granted selection grade w.e.f. 19.7.1999 instead of 30.10.1993 under this Notification against which the appellant preferred a departmental appeal on 1.7.2002 but the same was rejected on 31.7.2002. Hence the instant appeal.

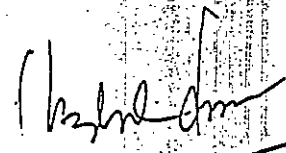
3. The respondents have filed the written reply in which the claim of the appellant has been opposed by raising legal objections. The appellant also filed the replication rebutting the objections raised by the respondents.

4. The learned counsel for the appellant argued that the appellant was promoted from the post of Superintendent to the post of Assistant Sub Divisional Education Officer (Accounts) in BS-16 vide order dated 4.8.1987. Respondent No. 3 vide Notification dated 30.10.1993 allowed selection grade BS-17 to the Administrative officer/Accounts Officer/Assistant Accounts Officer at the rate of 33% of their total strength alongwith Superintendents on the joint seniority list.

*(Signature)*

(7)

Respondent No. 3 vide Notification dated 31.1.1994 issued a clarification regarding grant of selection grade to various categories of officers. It was stated that condition of amendment in the service rules as referred to in para-2 of respondent No. 2 letter dated 30.10.1993 will not be applicable on the department/offices where no post of Accounts officer/Assistant Accounts Officer or similar other post exists which requires to be filled in by promotion from amongst Superintendent BS-16. In that case the grant of selection grade was made effective from 30.10.1993 while in case of amendment in the rules it was to be effective from the date of amendment in the Service Rules. The counsel further argued that respondent No.2 vide Notification dated 28.8.1994 brought various categories of posts in BS-16 at par. But inspite of the above equality of the posts only the Superintendents were given selection grade w.e.f. 1993 while for the incumbents of other posts the condition of amendment in the Service Rules was made and resultantly deprived them from their due rights of grant of selection grade from 30.10.1993. The rules were amended by respondent No. 2 vide Notification dated 6.2.1997 by bringing various categories at par. Respondent No. 1 vide impugned Notification dated 7.5.2002 granted selection grade BS-17 w.e.f. 19.7.1999 as per joint seniority list of ADEO (A)/Budget Officer/Audit Officer/Accounts

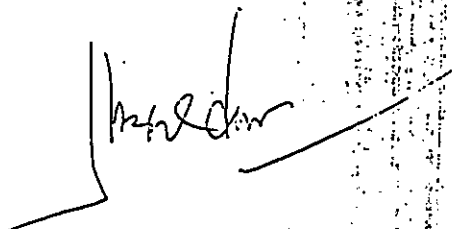


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(LB) (B)

Officer (BS-16). Keeping in view the above facts the appellant has been discriminated against. The counsel stated that the impugned orders are against natural justice, unlawful, arbitrary and mala fide. It was also argued that issuance of Notification dated 6.2.1997 is the repetition of Notification dated 29.8.1994 which only delayed the grant of selection grade which was allowed w.e.f. 30.10.1993.

5. The AGP opposed the contention of the appellant stating that the issue of grant of selection grade to the appellant has been disposed of as per policy and instructions contained in letter of respondent No. 3 dated 30.10.1993 and 31.1.1994. The amendment in the Service Rules was made on 6.2.1997 and the selection grade was allowed vide letter of respondent No. 3 dated 30.10.1993. He refuted the contention of the appellant that any discriminatory treatment was meted out against the appellant but the entire action of the respondent is covered under the prevailing rules/instructions. The instruction/policy contained in letter dated 30.10.1993 issued by respondent No. 3 is very much clear and no deviation has been made from that policy.



Officer (BS-16). Keeping in view the above facts the appellant has been discriminated against. The counsel stated that the impugned orders are against natural justice, unlawful, arbitrary and mala fide. It was also argued that issuance of Notification dated 6.2.1997 is the repetition of Notification dated 29.8.1994 which only delayed the grant of selection grade which was allowed w.e.f. 30.10.1993.

5. The AGP opposed the contention of the appellant stating that the issue of grant of selection grade to the appellant has been disposed of as per policy and instructions contained in letter of respondent No. 3 dated 30.10.1993 and 31.1.1994. The amendment in the Service Rules was made on 6.2.1997 and the selection grade was allowed vide letter of respondent No. 3 dated 30.10.1993. He refuted the contention of the appellant that any discriminatory treatment was meted out against the appellant but the entire action of the respondent is covered under the prevailing rules/instructions. The instruction/policy contained in letter dated 30.10.1993 issued by respondent No. 3 is very much clear and no deviation has been made from that policy.

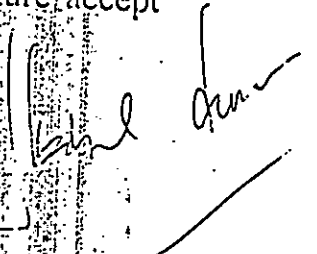
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6. After listening to the arguments and perusal of the record, it is evident that selection grade was allowed as per general principle w.e.f. 30.10.1993 but a condition in para-3 (last para) of letter dated 30.10.1993 issued by respondent No. 3 was placed turning up the grant of selection grade with effect from the date of amendment in the Service Rules which adversely affected the benefits accrued to the appellant in the grant of selection grade. The amendment in the service rules was completed in the year 1997 which is a very lengthy period while there is no plausible explanation with the respondent department for such a long delay. The Tribunal also feels that while there was no such bar in respect of the department in which only the post of Superintendent existed as per respondent No. 3 letter dated 31.1.1994 but delaying the same benefits to the other categories on the pretext of amendment in the Service Rules which was delayed for six years, is not justified. Reliance is also put on the NWFP Tribunal decision dated 17.4.2001 in Appeal No. 813/1999 in which the benefit of selection grade was allowed w.e.f. 30.10.1993 instead of 17.3.1997 the date on which Rules were reversed.

7. The Tribunal therefore, keeping in view the principle of consistency and being the present appeal of identical nature, accept



the appeal and allow grant of selection grade w.c.f. 30.10.1993 as per the seniority position of the appellant and modify the impugned order dated 7.5.2002 to that extent.

8. Our this single judgment will also dispose the other connected appeals bearing No. 893/2002 Karim Bakhsh, 894/2002 Mukhtiar Ahmad, 895/2002 Fazlur Rehman, 896/2002 Jamshed Jan, 897/2002 Muhammad Khan, 898/2002 Gul Habib, 899/2002 Abdul Wahab, 918/2002 Muhammad Suleman, 919/2002 Sajid Khan, 920/2002 Ghulam Nabi Malik, 1004/2002 Ghulam Sarwar, 1005/2002 Ali Asghar, 1006/2002 Itaf Hussain Gohar, 1049/2002 Abdul Qayyum, 1050/2002 Buzur Jamheer and 388/2003 Subaidar Khan Versus Secretary Education NWFP etc, being identical nature and involves common questions of law and facts.

9. No order as to costs. File be consigned to the record after completion.

ANNOUNCED.  
15.08.2006.

(FAIZULLAH KHAN KHATAK)  
MEMBER.

(ABDUL KARIM QASURIA)  
MEMBER.

**ATTESTED**



IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

Present

Mr. Justice Iftikhar Muhammad Chaudhry, CJ  
Mr. Justice Ch. Ijaz Ahmed  
Mr. Justice Khilji Aftab Hussain

CIVIL PETITIONS NO.35-P TO 51-P & CP.301-P OR 2007

(On appeal from the judgments/order dated  
15.08.2006 & 08.12.2006 passed by NWFJ  
Service Tribunal, Peshawar in Appeals No.  
724, 893-899, 918-920, 1004-1006, 1049,  
1050/2002, 588/2003 & 675/2006)

Director of Schools & Literacy,  
NWFJ, Peshawar and others

Abdullah Khan

Kamran Bakhshi

Mukhtar Ahmed Nashad

Fazal Rehman

Jamshed Khan

Muhammad Khan

Gul Habib

Abdul Wahab

Muhammad Suleman

Sajid Khan

Ghulam Nabi Malik

Ghulam Sarwar

ATTESTED

ATTESTED

Chief Justice  
Supreme Court of Pakistan

Petitioners

Respondent  
(in CP.35-P/2007)

Respondent  
(in CP.36-P/2007)

Respondent  
(in CP.37-P/2007)

Respondent  
(in CP.38-P/2007)

Respondent  
(in CP.39-P/2007)

Respondent  
(in CP.40-P/2007)

Respondent  
(in CP.41-P/2007)

Respondent  
(in CP.42-P/2007)

Respondent  
(in CP.43-P/2007)

Respondent  
(in CP.44-P/2007)

Respondent  
(in CP.45-P/2007)

Respondent  
(in CP.46-P/2007)



Ashraf Ali	Respondent. (in CP.17-P/2007)
Etal Hussain Gohar	Respondent. (in CP.48-P/2007)
Abdul Qayyum	Respondent. (in CP.49-P/2007)
Buzur Jamheer	Respondent. (in CP.50-P/2007)
Suleman Khan	Respondent. (in CP.51-P/2007)
Muhammad Yousaf Alqadri	Respondent. (in CP.301-P/2007)
For the petitioners (in all cases)	Mr. Qaiser Rasheed, Addl: AG.
For the respondents (in all cases)	Mr. Imtiaz Ali, ASC. Mr. Tasleem Hussain, AOR.
Date of hearing	05.03.2010.

ORDER

HAFIKHAR MUHAMMAD CHAUDHRY, C.J. - These petitions for leave to appeal, have been filed against the judgments dated 15.08.2006 and 08.12.2006 passed by NWFP Service Tribunal, Peshawar whereby appeals filed by the respondents have been allowed as a result whereof they have granted selection grade.

2. Brief facts of the case, relevant for disposal of instant petitions are that the Secretary, Finance Department, Government of NWFP (petitioner No.3) vide notification dated 30<sup>th</sup> October 1993 allowed selection grade BPS-17 to Administrative Officer/Accounts Officer/Assistant Account Officer, at the ratio of 33% of their total strength along with the Superintendent on the joint seniority list. In order to extend the said benefits to various officers in BPS-16, Director Schools and Literacy, Education Department, NWFP, Peshawar (petitioner No.2) issued a notification dated 29<sup>th</sup> August 1994, wherein various categories of officers in BS-16 were brought at par by amending the Service

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Rules, however, selection grade was only allowed to Superintendents, BS-16 w.e.f 30.10.1993 while other categories of officers in BS-16, were left. Petitioner No.2, subsequently issued order dated 7<sup>th</sup> May 2002, under which the AEDO (A), Budget Officer, Audit Officer, Account Officer in BS-16 of the Education Department were granted selection grade BS-17 but the respondents were granted such grade w.e.f 19<sup>th</sup> July 1999 instead of 30<sup>th</sup> October, 1993. Feeling aggrieved, the respondents challenged the said order before the NWFP Service Tribunal, who by means of impugned judgments granted them selection grade BS-17 w.e.f. 30<sup>th</sup> October 1993. As such instant petitions for leave to appeal have been filed.

3. Learned Additional Advocate General NWFP stated that the respondents were entitled for selection grade BS-17, subject to certain conditions, laid down in the letter dated 30<sup>th</sup> October 1993, including the amendments in the respective Recruitment and Appointment Rules. As according to him these Rules were amended on 6<sup>th</sup> February 1997 and joint seniority list was also prepared in the meantime, therefore, they have been found entitled for selection grade w.e.f. 17<sup>th</sup> June 1999 but the Service Tribunal granted them selection grade w.e.f. 30<sup>th</sup> October 1993, therefore, according to him impugned judgments are not sustainable.

4. Learned counsel appearing for the caveat, however, opposed the petitions and stated that Service Tribunal had done nothing, except enforcing/implementing the policy of the Government mentioned in letter 30<sup>th</sup> October 1993, on the basis of which respondents were entitled for selection grade. As far as question of amending the respective Recruitment and Appointments Rules and preparation of joint seniority list of officers in BS-16 concerned, it is the job of the petitioners, therefore, the respondents should not be allowed to suffer at the hands of the department.

ATTESTED

*[Signature]*  
 District Judge  
 District Court  
 Peshawar

ATTESTED

5. We have heard the learned counsel for the parties and have also carefully gone through the impugned judgment passed by the Service Tribunal. There is no doubt that on 30<sup>th</sup> October 1993, Government issued a policy letter, laying down a criterion for granting selection grade BS-17 to grade BS-16 officers to the extent of 33% but the respondents were not allowed the benefit of the same for one or the reason and ultimately they have to approach Service Tribunal. A careful perusal of the impugned judgment indicates that the Tribunal has not passed an order beyond the scope of policy letter dated 30<sup>th</sup> October 1993. As far as the discretion of the Government to amend the Recruitment and Appointment Rules is concerned, it was the duty of the Government to prepare and issue the joint seniority list of the Administrative Officers and the Superintends and make the amendments, without any delay, after issuance of the letter. Service Tribunal in fact has enforced the policy letter dated 30<sup>th</sup> October 1993.

6. It is pertinent to mention here that the department cannot be allowed to sleep for any indefinite period to amend the rules and to prepare seniority list at the cost of the respondents, who are government employees and they are always anxious about their promotion or to get benefit of the service as early as could be possible. Unfortunately, in instant case, after issuance of the policy letter dated 30<sup>th</sup> October 1993 rules were amended in 1997 but perhaps the seniority list was prepared later on and on account of such slackness, the respondents had suffered a lot and ultimately in 2001 they were given selection grade and in the meantime, some of them stood retired. We are, therefore, of the opinion that under these circumstances the Service Tribunal has rightly granted relief to the respondents and judgments passed by it, being unexceptionable, admit no interference by this Court.

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*[Signature]*  
 Office Assistant  
 Home Office of the Tribunal  
 Patna

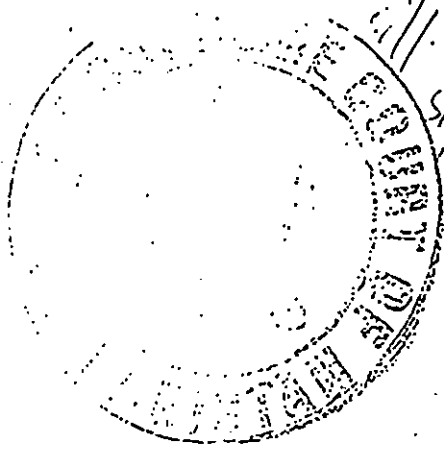
7. It is informed by the learned counsel appearing for the respondents that despite lapse of about more than 16/17 years, the judgments of

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the Service Tribunal, passed in favour of the respondents, have not been implemented. In such state of affairs, we direct the concerned authority to implement the same within a period of four weeks and send a compliance report to the Registrar of this Court, for our perusal in Chambers. Learned Additional Advocate General is directed to communicate these directions to the concerned authorities to ensure its compliance in letter and spirit.

Thus for the foregoing reasons, petitions are dismissed and leave declined. — Sd/- Mr. Iftikhar Muhammad Chaudhry, CJ  
Sd/- Mr. Chaudhry Khuram T  
Sd/- Mr. Khalid Arif Hussain, J



Peshawar,  
05.03.2010.

11/9/10

Certified to be true copy

Officer in Charge  
Supreme Court of Pakistan  
Peshawar

NOT APPROVED FOR REPORTING.

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**BETTER COPY**

**Annexure-f (Page-27)**

**OFFICE OF THE DIRECTOR (E&SE) KHYBER PAKHTUNKHWA, PESHAWAR.**

**OFFICE ORDER**

In pursuance of NWFP Services Tribunal Peshawar Judgment dated 15.08.2006 up hold by the Honourable Supreme Court of Pakistan vide its verdict dated 5.3.2010 and Writ Petition No.35-P to 51-P and CP. 301-P of 2007, and under the provision of Finance Department Notification No.FD/(PRC)4-1/91; dated 30.10.1993 and (E&SE) Department Circular No.604/754; dated 7.5.2002, the date of award of S/Grade (B-17) of the ADEOs / ASDEOs / Acs/Admn: officers/H&AOs/Supdt (B-16) working in Directorate of (E&SE) K.P.K. Peshawar and District Officers issued vide this office Notification No.4420-4585/A-23/MS/S.Grade (B-17)/Supdt/AO; dated 29.9.2004 may read "30.10.1993" instead of "19.7.1999" in column No.6 of the above order on the above terms and conditions already framed.

Sd/- SYEDA SARWAT JEHAN  
DIRECTRESS

Endst. No.3410-24/I/DSR/ESSt:S.P./Litigation

Dated 26.4.2010.

Copy of the above is forwarded for information and necessary action to the:-

1. Registrar Supreme Court of Pakistan with reference to his decision /judgment dated refer to the above for information please.
2. Registrar, NWFP Services Tribunal Peshawar with reference to his Judgment referred to above for information please.
3. Secretary to Govt. of E&SE, KPK Peshawar.
4. Accountant General, KPK. Peshawar.
5. Director of Education, (FATA), Peshawar.
6. The Director, Higher Education, KPK, Peshawar.
7. Director of Curriculum & Teachers Education, KPK Abbottabad.
8. Manager, BIEP Arbab Road University town, Peshawar.
9. Manager, Girls Project II, KPK, Peshawar.
10. AI District Accounts Officer in KPK.
11. All Executive District Officers, in KPK.
12. All Officers concerned.
13. PA to Director of E&SE, KPK, Peshawar.

Sd/-  
Deputy Director ((F&A).

**ATTESTED**

OFFICE OF THE DIRECTOR (E&SE) KHYBER PUKHTOON KHAWA  
PESHAWAR.

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Corrigendum.

In pursuance of NWFP Services Tribunal Peshawar judgment dated 1.8.2006 up hold by the Honable Supreme Court of Pakistan vide its verdict dated 2.3.2010 and Write Petition No.35-P To 51-P and CP.301-P of 2007, and under the provision of Finance Department Notification No.FD/(PRC)4-1/91, dated 30.10.1993 and (E&SE)department circular No.604-754 dated:7.5.2002, the date of award of S/Grade (B-17) of the ADEOs /ASDEOs /Acs/Admin. officers/J&AOs /Supdt(B-16) working in Directorate of (E&SE) K.P.K Peshawar and districts officers issued vide this office Notification No.4420-4585/A-23/MS/S.Grade(B-17)/Sup.1/AO, dated 29.9.2004 may read as "30.10.1993" instead of "19.7.1999" in column No.6 of the above order on the same terms and conditions already framed.

SYEDA SARWAT JEHAN  
DIRECTRESS

3410-24  
Serial No. I/DSR/Estt.S.P/Litigation dated 26/4/2010

- Copy of the above is forwarded for information and necessary action to the:-
1. Registrar Supreme Court of Pakistan with reference to his decision/judgment dated refer to above for information please.
  2. Ex-parte NWFP Services Tribunal Peshawar with reference to his judgment referred to above for information please.
  3. Secretary to Govt. of E&SE K.P.K Peshawar.
  4. Accountant General K.P.K. Peshawar.
  5. Director of Education(FATA)Peshawar.
  6. Director Higher Education K.P.K. Peshawar.
  7. Director of Curriculum and Teachers Education K.P.K Abbottabad.
  8. Manager BIEP Arbab Road University Town Peshawar.
  9. Manager Girls Project II K.P.K Peshawar.
  10. Section Officer(Litigation)E&SE Department K.P.K Peshawar.
  11. All District Accounts Officers in K.P.K.
  12. All Executive District Officers in K.P.K.
  13. All officers concerned.
  14. P.A. to Director of E&SE K.P.K Peshawar.

Accountant General  
K.P.K. Peshawar (F)  
Secretary Edu.

26/4/2010  
DEPUTY DIRECTOR (E&SE)

Al.  
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S.No.	Date of order proceedings	Order or other proceedings with signature of judge of Magistrate
	27.03.2015	<p style="text-align: center;">Khyber Pakhtunkhwa Service Tribunal Peshawar</p> <p style="text-align: center;">Appeal No. 834/2012 Hazrat Ahmed vs- Secretary Education (E&amp;SE) Khyber Pakhtunkhwa, Peshawar, etc.</p> <p><u>PIR BAKHSH SHAH, MEMBER:-</u> Counsel for the appellant (Muhammad Asif Yousafzai, Advocate) and Mr. Muhammad Jan GP for the respondents present.</p> <p>2. Finance Department Government of Khyber Pakhtunkhwa, Peshawar vide its notification dated 30.10.1993 allowed selection grade BPS-17 to 33 % of the posts of Administrative Officer and Superintendent BPS-16 which notification was acted upon in the year 2004 vide notification dated 29.09.2004. This latter notification was questioned by the concerned awardees in Service Appeal before this Tribunal on the ground that they were entitled for selection grade w.e.f 1993 which was wrongly allowed to them in the year 1999. The said appeal NO. 724/2002 was accepted by this Tribunal vide its order dated 15.08.2006 against which the Government Civil Petition No. 35-P to 51-P and Civil Petition No. 301-P of 2007 were dismissed by the august Supreme Court of Pakistan vide its order dated 05.03.2010, hence these separate four appeal on the same analogy that the appellant though retired should also be given benefits of selection grade BPS-17 w.e.f 30.10.1993. It is worth mentioning that appellant in service appeal No. 834/2012, Mr. Hazrat Ahmad got retired as Superintendent on 01.04.1999 and appellant in service appeal No. 835/2012 Mr. Bakhat Zada as Accounts Officer on 02.05.1999, appellant in service appeal No. 836/2012 Mian Said Rehman as Accounts Officer on 21.12.1998 and appellant in service appeal No. 837/2012 Mehro Naish as Accounts Officer on 15.08.1994, the facts and figures so provided by the learned counsel for the appellant during the course of arguments.</p> <p>3. Arguments of the learned counsels for the parties heard at length and record perused with their assistance.</p> <p>4. It was submitted by the learned counsel for the appellant that the appellant were entitled for selection grade, evident from the fact that their service colleagues junior to them in the seniority list were awarded the selection grade and the appellant were ignored which is discrimination and</p>

**ATTESTED**

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

**ATTESTED**





uneven handed treatment of the respondent-department. It was further submitted that the respondent-department while issuing corrigendum vide notification dated 26.04.2014 corrected the matter to the extent of only antedating selection grade w.e.f 30.10.1993 instead of aggrieved date 19.07.1999 but could not take pains to have considered the cases of those officers including the appellant who were entitled for such selection grade at the relevant time. Learned counsel for the appellant further submitted that since pensionary benefits of the appellant are involved for which reason this is a recurring cause of action, hence the appeal could not be treated as time barred. The learned counsel for the appellant requested that the appellant have given time of their prime youth to the respondent-department, they should not be left in the lurch in bad times after their retirement and that their appeals may be accepted. He relied on 2009 SCMR 1, 2009 PLC (C.S) 178, 2002 PLC (C.S) 1388, 2007 PLC (C.S) 1267 and 2003 PLD S.C 724.

5. Conversely it was submitted by the learned Government Pleader that the appeals are badly time barred. He next submitted that the matter of selection grade had already been extinguished, the appellant were not included as parties in the service appeal No. 724/2002, therefore they were not entitled to receive any benefits from that litigation. He next submitted that as 33% of the total strength at the relevant time were entitled and the appellant have not appended authentic seniority list on the strength of which they would have shown their entitlement for selection grade. He next submitted that the appellant have not made any private party who was junior to them and to whom selection grade was awarded. He relied on 2010 SCMR 1982. He requested that the appeal may be dismisses.

7. The Tribunal heard learned counsels for the parties at length and perused the record with their assistance. It is evident from the record that the original notification of selection grade was made in 1993 but no action was taken thereon at that time. Action on this notification was taken in the year 2004 when the respondent-department issued list of those Officers who were awarded selection grade and that also from the year 1999. These awardes naturally confined their appeals to reckoning of the date i.e 1993 which was their only concern. On the other hand the department while calculating entitlement of 33% employees seems that it took the total strength in the year 2004. In this situation when corrigendum about antedating of selection grade w.e.f.1993 was going to be issued, the department failed to consider the issue of those employees who were

ATTESTED

EXAMINED  
 By: Pakhtunistan  
 Service Tribunal,  
 Peshawar

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otherwise entitled for this selection grade but for their retirement prior to this corrigendum. It further shows that department's slackness to have pointed out the issue of antedating of selection grade and its impact on those who were otherwise entitled to it in the year 1993 but for their retirement so that a competent findings would have come from the Service Tribunal or the august Supreme Court on the issue of those invisible deserving employees. In the above discussed situation, the Tribunal is of the considered view that further interference in the matter by granting selection grade to the appellants on the strength of the Tribunal is likely to complicate the issue instead of resolving it which according to our opinion requires a thorough consideration and policy decision in the light of complete record, the facts available only with the respondent-department. The appellants have stated in their memo of appeal that they filed departmental appeal which were not responded by the respondent-department. As such the cases are remitted to the respondent-department with the direction to treat these as departmental appeals of the appellants alongwith their previous appeals if any and to decide the same as soon as possible on merits strictly in accordance with law and rules. The appeals are decided accordingly. Parties are left to bear their own costs: File be consigned to the record.

*sd/- Mr. Bahadur Ghosh,*  
*member*  
*sd/- Mr. Abdul Latif,*  
*member*

ANNOUNCED.  
 27.03.2015

Certified to be true copy  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

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 15-4-2015

**ATTESTED**

*[Signature]*

"H" (3)

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Directorate of Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.  
No. 1751-55 /A-23/MS/  
Dated Peshawar the \_\_\_\_\_/2015.

10/6/2015

To

1. Hazrat Ahmad S/O Gul Ahmad  
Retired Supdt Mohallah Miagan  
V& P.O Saidu Sharif District Swat.
2. Main Said Rehman S/O Hazrat Adam  
Retired Accounts Officer Village Damlai  
P.O Madyan District Swat.
3. Bakht Zada S/O Shahzada  
Retried Accounts Officer
4. Mehro Naish S/O Mir Baz  
Retired Accounts Officer DEO (M) Swat.
5. Rawail Khan  
Retired Supdt Mohallah Aba Khel Nowshera Kalan.

Subject: APPEAL FOR AWARD OF SELECTION GRADE.

Memo:

I am directed to refer your appeal on the subject cited above, and to inform you that the department has followed and fully implemented the policy and courts decision.

Selection Grade at the ratio of 33% quota had already been awarded w.e.f 19.07.1999 which was revised w.e.f 30.10.1993 as per courts orders.

Now the Department cannot exceed 33 % quota nor with draw Selection Grade from any one. Because the financial benefit once awarded and availed, cannot be with drawn as per Supreme Court orders.

It is further added that similar nature appeal were already turned down by the competent authority through a learned departmental Committee on 9.02.2011, as such your appeals are rejected being devoid of substance.

Assistant Director (Admn)  
Directorate of E&SE K.P, Peshawar

Endst; No. 1756

Copy forwarded to the: -

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)  
Directorate of E&SE K.P, Peshawar

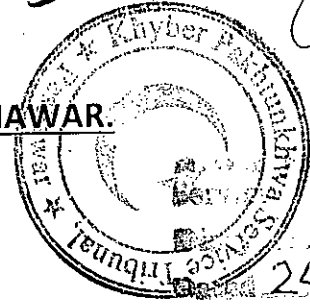
ATTESTED  
hazratfahmad, said rehman, bakht zada, mehro rawail khan

[Signature]

10/6/15

"F" (32)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**



EXECUTION PETITION NO. 65 /2015.

529  
24/6/15

- 1- Hazrat Ahmed Retd; Superintendant,  
DEO(M) E&SE, Swat.....(Appeal NO.834/2012)
- 2- Bakhat Zada, Retd: ADEO(A),  
(M) E&SE, Swat.....(Appeal NO.835/2012)
- 3- Mian Said Rehman, Retd: ADEO(A),  
(M) E&SE, Swat.....(Appeal NO.836/2012)
- 4- Mehronaish, Retd: ADEO(A),  
(M) E&SE, Swat..... (Appeal NO.837/2012)

.....Petitioners.

VERSUS

- 1- The Secretary Education ( E&DE) KPK Peshawar.
- 2- The Director Education (E&SE), KPK Peshawar.
- 3- The secretary Finance KPK Peshawar.....Respondents.

**EXECUTION PETITION FOR DIRECTING THE RESPONDENTS TO IMPLEMENT THE JUDGMENT OF THIS AUGUST TRIBUNAL DATED. 27.03.2015 IN LETTER AND SPIRITS.**

**R.SHEWETH.**

1. That the petitioners filed appeal No. mentioned before their names in the heading of this execution petition for grant of selection grade.
2. That the said appeal along with connected appeals was heard on 27.03.2015 by the learned F.B II.

**ATTESTED**

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3. That after discussion the judgments of this august Tribunal and the Supreme Court of Pakistan in similar appeals of the colleagues of the



2.10.2015

Counsel for the petitioners and M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Requested for adjournment. Last opportunity granted. To come up for implementation report on 27.11.2015 before S.B.

Sd/-  
Chairman

27.11.2015

Counsel for the petitioners, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Compliance report submitted. Arguments of learned counsel for the petitioners and learned Addl: AG heard and record perused.

According to judgment of this Tribunal the respondents were to treat the service appeal of the petitioners as a departmental appeal and to decide the issue of selection grade and its impact on those employees who were otherwise entitled to the same in the year of 1993. Since the respondents have decided the issue vide order dated 10.6.2015 but produce to the Court today as such it is held that the respondents have complied with the judgment of this Tribunal.

Learned counsel for the petitioner informed the Tribunal that the said decision of the respondents is not in consonance with the judgment of the Tribunal and that the same has come to his notice and the notice of his client in the Court today.

Since the respondents have decided the matter as such there is no need to further proceed with the execution petition. The petitioner may, if unsatisfied, resort to the legal remedy available to him under the law. The petition is disposed of accordingly. File be consigned to the record room.

Sd/-  
Chairman

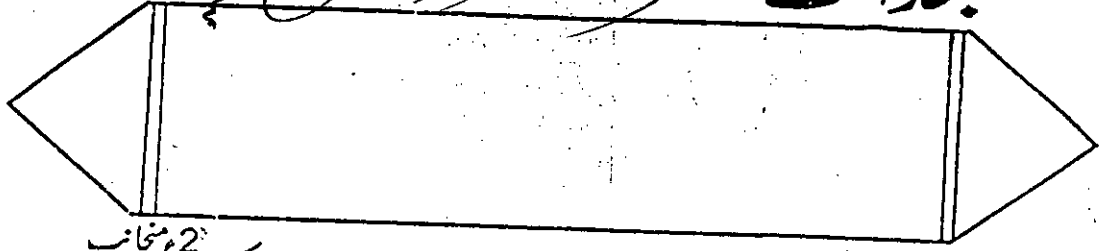
Certified to be true copy  
EX-101  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ANNOUNCED  
27.11.2015

27.11.2015  
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Date of Delivery of Report 9-18-15  
Date of Report 9-18-15  
Name of Corps *SM*  
Title *88*  
Element *88*  
Number of Copies 6  
Number of Pages 800  
Date of Preparation of Report 9-18-15

# بعدالت مسوسن سر جو کول لکھو



محبت دارہ بنام محمد تدبیر

مورخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام سندھ اور کیلئے محمد احمد موسوی ایڈووکیٹ  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال و دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20 \_\_\_\_\_

وہ العی کے لئے منظور ہے۔

بمقام (APPELLANT) کے

36

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No: 01/2016**

**Bakht Zada, (Rtd:) Accounts Office<sup>V</sup>O/O the DEO(M) Swat. ....Appellant**

**VERSUS**

**Secretary E&SE Department, Khyber Pakhtunkhwa & others. ....Respondents**

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS 1-3.**

**Respectfully Sheweth :-**

The Respondents submit as under:-

**PRELIMINARY OBJECTIONS.**

- 1 That the Appellant has got no cause of action/ locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant Service Appeal is based on malafide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the Appellant has been treated as per law, rules & Policy.
- 9 That the instant appeal is not maintainable in its present form.
- 10 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 11 That the instant Service Appeal is barred by law.
- 12 That the Appellant is not competent to file the instant appeal against the Respondents.
- 13 That the scheme of grant of Selection Grade has been discontinued vide Notification dated 27/10/ 2001, issued by the Finance Department Govt: of Khyber Pakhtunkhwa.
- 14 That the impugned Notification dated 10/6/2015 is legally competent & in accordance with rules & policy.
- 15 That the Appellant is not entitled for the grant of Selection<sup>grade</sup> in BPS-17.
- 16 That no Departmental Appeal has been filed by the Appellant.
- 17 That the issue of Selection grade has already been settled by this Honorable Tribunal vide order dated 27/11/2015, in Execution Petition No: 65/2015, out of Service Appeal No: 834 -837/2012, case Titled Hazrat Ahmad Versus Govt: .



ON FACTS.

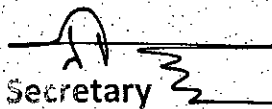
- 1 That Para-1 needs no comments, being pertains to the Service record of the appellant.
- 2 That Para-2 is incorrect & denied. The scheme of award of Selection Grade has been discontinued vide Notification dated ~~06-05-2003~~ 2003, issued by the Finance Department and in view of the said Notification the appellant is not entitled for the award of Selection Grade in BPS-17 with the submission that the appellant is no more in service in the Respondent Department. (Copy of the same is annexed as Annexure A).
- 3 That Para-3 is incorrect & denied on grounds that the scheme of award of Selection Grade in the Respondent Department has been discontinued vide the above said Notification of the Finance Department. Hence the appellant is not entitled for the grant / award of the same in the above said submissions in the foregoing paras.
- 4 That Para-4 is incorrect & misleading. The statement of the appellant is baseless on the grounds that the scheme of award of Selection Grade has been discontinued vide Notification dated 27/10/2001, issued by the Respondent No: 3, whereas rest of the Para pertain to the Court record of Honorable Supreme Court of Pakistan. Hence needs no comments.
- 5 That Para-5 is incorrect & denied. The statement of the appellant is misleading and against the factual position as agitated in the foregoing paras of the instant reply.
- 6 That Para-6 is incorrect & denied. The statement of the appellant is misleading on the grounds that the scheme of award of Selection Grade has been discontinued by the Respondent No: 3 vide his Notification dated 27/10/2001 & a copy whereof has already been annexed in the foregoing paras. However, it is further submitted that Selection Grade at the ratio of 33% Quota has already been awarded wef 19/07/1999, which was revised wef 30/10/ 1993, as per Court order. Hence in view of the above made submissions the appellant is not entitled for the award of Selection Grade in BPS-17 (Order sheet dated 27/11/2015 is attached as Annexure B).
- 7 That Para-7 is correct to the extent that the Departmental Appeal of the appellant has been decided by the Respondent Department and on the basis of the office order dated 10/6/2015, this Honorable Tribunal has been pleased to dismiss the Execution Petition of the appellant vide order sheet dated 27/11/2015 (Copies of the same are already attached C&D).
- 8 Legal. However, the Respondents further submit on the following grounds inter alia :-

ON GROUNDS.

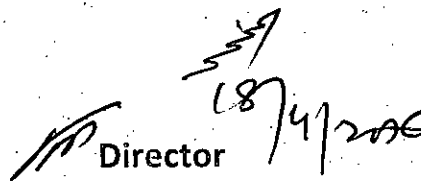
- A Incorrect & denied. The impugned order dated 10/6/2015, is within legal sphere as well as in accordance with the directions of the referred judgment dated 27/3/2015. Hence the issue of the award of Selection Grade has not only been discontinued by the Respondent No: 3, but is settled by this Honorable Tribunal vide order dated 27/11/2015 rendered in EP No: 65/2015 out of Service Appeal No: 834-837/ 2012 case Titled Hazrat Ahmad & others VS Govt: of Khyber Pakhtunkhwa, (Copies of the same are attached as Annexures E&F).
- B Incorrect & not admitted. The appellant is not entitled for the award of Selection Grade in BPS-17, in wake of above made submissions in grounds-A of the instant reply. Hence in terms of the above made submissions in the foregoing paras, his plea regarding the award of Selection Grade is illegal & is liable to be struck down.
- C Incorrect & denied. The appellant has been treated as per law, rules & policy. Therefore, no question of discrimination arises on the part of the Respondents.
- D Incorrect & denied. The appellant has been treated in accordance with law, rules & policy & Selection Grade to appellant has rightly been refused. Hence, his appeal is liable to be dismissed in favour of the Respondents.

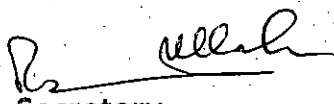
- E Incorrect & denied. The appellant is not entitled for the grant of Selection Grade in BPS-17, on the grounds as agitated in the above mentioned paras.
- F Incorrect & denied. The issue of award of Selection Grade has been decided by this Honorable Tribunal vide order dated 27/11/2015. Therefore, the plea of the appellant is based on malafide intentions & is liable to be dismissed.
- G ~~Similarly~~ The Respondents seek leave of this Honorable Tribunal to submit additional grounds & record at the time of arguments.

in view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favour of the Respondent Department.

  
Secretary

E&SE Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondent No: 1)

  
Director  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 2)

  
Secretary

Finance Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No: 3)

### AFFIDAVIT

I, Khaista Rehman, Asstt: Director (Litigation-II) E&SE Department KPK Peshawar do hereby solemnly affirm and declare that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

  
Deponent

GOVERNMENT OF N.W.F.P.  
FINANCE DEPARTMENT

NO.FD(PRC)1-1/2003

Dated Peshawar the, ~~Nov~~ 6, 2003.

From :- Secretary to Govt. of NWFP,  
Finance Department.

To

1. All Administrative Secretaries to Govt. of NWFP.
2. The Senior Member, Board of Revenue, NWFP.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary, Provincial Assembly, NWFP.
5. All Heads of Attached Departments NWFP.
6. All District Nazims/District Coordination Officers and District and Session Judges NWFP.
7. The Registrar, Peshawar High Court, Peshawar.
8. The Chairman, NWFP, Public Service Commission.
9. The Chairman, NWFP, Services Tribunal.
10. The Secretary Board of Revenue, NWFP.

SUBJECT:- REVISION OF BASIC PAY SCALES AND PROMOTION BENEFITS OF CIVIL EMPLOYEES (BPS-22) OF THE NWFP GOVT (2001)

Dear Sir,

I am directed to refer to this Department's letter No.FD(PRC)1-1/2001 dated Nov. 15, 2001 on the subject noted above and to say that clarification given against para 7(i) and (ii) may be read as under :-

"The Selection Grade and Move Over shall stand discontinued w.e.f 1-12-2001 instead of 27-10-2001. The clarification issued vide the above referred letter against Para 5(ii) and Para 7 (i) & (ii) stand modified to this effect."

Yours faithfully

(ABDUL LATIF)  
DEPUTY SECRETARY (REG.)

Endst No.FD(PRC)1-1/2003 Dated Peshawar the, ~~Nov~~ 6, 2003

A copy is forwarded for information to :-

1. All Autonomous/Semi Autonomous Bodies/Corporation in NWFP.

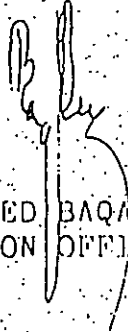
(ABDUL LATIF)  
DEPUTY SECY. (REG.)

Contd.On P.2....

ENDST.NO & DATE EVEN.

A copy is forwarded for information to :-

1. The Accountant General, NWFP, Peshawar.
2. All District/Agency Accounts Officers in NWFP.
3. The Treasury Officer, Peshawar.
4. The Private Secretary to Finance Minister, NWFP.
5. The P.S to Secretary, PAs to Additional Secretaries/  
Deputy Secretaries in Finance Department.
6. All Section/Budget Officers in Finance Department NWFP.
7. The Director, Local Fund Audit, NWFP, Peshawar.

  
(SYED BAQIR SHAH)  
SECTION OFFICER (SR.I)

10.2015

Counsel for the petitioners and M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl. A.G for respondents present. Requested for adjournment. Last opportunity granted. To come up for implementation report on 27.11.2015 before S.B.

ed/-  
Chairman

27.11.2015

Counsel for the petitioners, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl. A.G for respondents present Compliance report submitted. Arguments of learned counsel for the petitioners and learned Addl. AG heard and record perused.

According to judgment of this Tribunal the respondents were to treat the service appeal of the petitioners as a departmental appeal and to decide the issue of selection grade and its impact on those employees who were otherwise entitled to the same in the year of 1993. Since the respondents have decided the issue vide order dated 10.6.2015 but produce to the Court today as such it is held that the respondents have complied with the judgment of this Tribunal.

Learned counsel for the petitioner informed the Tribunal that the said decision of the respondents is not in consonance with the judgment of the Tribunal and that the same has come to his notice and the notice of his client in the Court today.

Since the respondents have decided the matter as such there is no need to further proceed with the execution petition. The petitioner may, if unsatisfied, resort to the legal remedy available to him under the law. The petition is disposed of accordingly. File be consigned to the record room.

ed/-  
Chairman

Certified  
True Copy

ANNOUNCED  
27.11.2015

(D)

(51) 3

Directorate of Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

No. 1751-55 JA:25/MS/

Dated Peshawar the \_\_\_\_\_/2015.

10/6/2015

1. Hazrat Ahmad S/O Gul Ahmad  
Retired Supdt Mohallah Miagan  
V& P.O Saidu Sharif District Swat.
2. Main Saif Rehman S/O Hazrat Adam  
Retired Accounts Officer Village Damlai  
P.O Madyan District Swat.
3. Bakht Zada S/O Shahzada  
Retired Accounts Officer.
4. Mehro Naish S/O Mir Baz  
Retired Accounts Officer DEO (M) Swat.
5. Rawail Khan  
Retired Supdt Mohallah Aba Khel Nowshera Kalan.

Subject: APPEAL FOR AWARD OF SELECTION GRADE.

Memo.

I am directed to refer your appeal on the subject cited above, and to inform you that the department has followed and fully implemented the policy and courts decision.

Selection Grade at the ratio of 33% quota had already been awarded w.e.f 19.07.1999 which was revised w.e.f 30.10.1993 as per courts orders.

Now the Department cannot exceed 33 % quota nor with draw Selection Grade from any one. Because the financial benefit once awarded and availed; cannot be with drawn as per Supreme Court orders.

It is further added that similar nature appeal were already turned down by the competent authority through a learned departmental Committee on 9.02.2011, as such your appeals are rejected being devoid of substance.

Assistant Director (Admin)  
Directorate of E&SE K.P. Peshawar

Endst. No.

1756

Copy forwarded to the:-  
PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa  
Peshawar.

Assistant Director (Admin)  
Directorate of E&SE K.P. Peshawar

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 01/2016

Bakhat Zada

VS

Education Deptt:

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-17) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Admitted correct by the respondent as the service record of the appellant is present in the custody of the department.
- 2 Incorrect. The Finance Deptt: issued the circular on 30.10.1993 wherein all the Superintendent, Budget & Account Officers etc were granted Selection Grade BPS-17 and the appellant was promoted to the post of Superintendent in the year 1919 and retired from service in the year 1999 whereas the of award of selection Grade has been discontinued in 2003 meaning by the appellant was in service at the time of award of Selection Grade and therefore eligible for Selection Grade in the year 1993 but due to the delay on the part of respondents, the appellant was kept deprived from the benefits of selection grade.
- 3 Not replied according to para 3 of the appeal. Moreover para 3 of the appeal is correct.

- 4 Incorrect. many officials were granted Selection Grade w.e.from 30.10.1993 by this august Tribunal vide judgment dated 15.8.2006 against the department filed CPLA in the Supreme Court of Pakistan which dismissed the CPLA with the direction that the concerned department were directed to implement the judgment of the Tribunal within 4 weeks and compliance report should be sent to the registrar of the Supreme Court of Pakistan. Copies of those judgments are attached as Annexure-D&E with the service appeal.
- 5 Incorrect. The statement of the appellant is not misleading and not against the factual position as the corrigendum in which the Selection Grade BPS-17 was given w.e.from 30.10.2993 is attached as Annexure-F of the service appeal as proof.
- 6 Incorrect. While para 6 of the appeal is correct.
- 7 It is correct that the department decided the departmental appeal on dated 10.6.2015 of the appellant on the direction the august Tribunal, however the august Tribunal did not dismissed the execution petition, but disposed off the execution petition on the ground that since the respondents have decided the matter as per direction of august Tribunal as there is no need to further proceed with the execution petition. The petitioner may, if unsatisfied, resort to the legal remedy available to him under the law.
- 8 Legal.

**GROUNDS:**

- A. Incorrect. The impugned order dated 10.6.2015 is against the law, fact, norms of justice and material on record as the appellant have eligibility and seniority in 1993. Moreover the august Tribunal did not dismiss the case but it remitted the case to respondent department to decide the departmental appeal of the appellant on merits strictly in accordance with law and



rules. Furthermore the august Tribunal did not dismissed the execution petition, but disposed off the execution petition on the ground that since the respondents have decided the matter as per direction of august Tribunal as there is no need to further proceed with the execution petition. The petitioner may, if unsatisfied, resort to the legal remedy available to him under the law.

- B. Incorrect. The Finance Deptt: issued the circular on 30.10.1993 wherein all the Superintendent, Budget & Account Officers etc were granted Selection Grade BPS-17 and the appellant was promoted to the post of Superintendent in the year 1993 and retired from service in the year 1999 whereas the award of selection Grade has been discontinued in 2003 meaning by the appellant was in service at the time of award of Selection Grade and therefore eligible for Selection Grade in the year 1993 but due to the delay on the part of respondents, the appellant was kept deprived from the benefits of selection grade. thus the appellant has been punished for the fault of others.
- C. Incorrect. The appellant has been discriminated as the said benefits have been given to retired as well as juniors officials, but the same benefits was not extended to the appellant which is against the principles of justice.
- D. Incorrect. While para D of the appeal is correct.
- E. Incorrect. The appellant is fully entitled for grant of selection grade in BPS-17 on the grounds as agitated in the above mentioned paras.
- F. Incorrect. While para F of the appeal is correct.
- G. Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

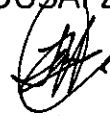
APPELLANT  
Bakhat Zada

Through:



(M. ASIF YOUSAFZAI)

&



(TAIMUR ALI KHAN)  
ADVOCATES, PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



DEPONENT